

IN DEFENSE OF HUMAN DIGNITY: THE INTERNATIONAL RELIGIOUS FREEDOM REPORT

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED NINTH CONGRESS FIRST SESSION

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IN DEFENSE OF HUMAN DIGNITY: THE INTERNATIONAL RELIGIOUS FREEDOM REPORT

TUESDAY, NOVEMBER 15, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:30 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order, and good morning to everyone.

Today, the Subcommittee on Africa, Global Human Rights and International Operations will hold an oversight hearing on the congressionally-mandated *Annual Report on International Religious Freedom* and on the designations of “countries of particular concern” for 2005.

The hearing will focus on the countries of particular concern, or CPC countries, Eritrea, Sudan, Saudi Arabia, Iran, Burma, Vietnam, China, and North Korea, as well as other countries where the rights of believers are seriously threatened and undermined, such as Turkmenistan, Uzbekistan, Egypt, Pakistan, Indonesia, Bangladesh, Nigeria, Russia, and Cuba. We will also discuss why and how Uzbekistan, Turkmenistan and Pakistan managed to avoid CPC designation.

The Subcommittee will consider what the U.S. has done in the past year to address these issues and what it intends to do in the coming year. By demonstrating the passionate concern of the United States Congress for religious liberty and by focusing national attention on the challenges this first freedom confronts in the world today, we have a real opportunity to advance freedom throughout the world.

As Bishop Ricardo Ramirez, who will be speaking on our third panel, accurately points out in his testimony, religious liberty begins with the right to worship according to one’s conscience, but it does not end there. Religious freedom covers a broad range of religious activities, he said—and he is right—from freedom of worship to freedom of conscience, from the right to establish schools and charities to the right to participate in and to seek to influence public affairs.

Article 18 of the Universal Declaration on Human Rights triumphantly states, and I quote, that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom

to change his religion or personal belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” Yet all over the world one or more aspects of this fundamental freedom are threatened, violated or outright trampled upon, and in the totalitarian states of China, North Korea, and Vietnam there is open war against religious believers who will not tow the line and submit their consciences to the state.

Burma’s continuing designation as a CPC country comes as no surprise to those of us who have supported Burma’s legitimate democracy movement. The assaults by China, Burma, Iran, and Cuba against religious freedom are inseparable from their general disregard for human rights. There are long overdue efforts to bring these countries before the UN, efforts which I hope this current hearing will advance, and religious freedom should be a part of any UN resolutions regarding those countries. Sudan has finally begun to acknowledge the need for religious liberty, but its practices remain unacceptable, and the situation of non-Arab Muslims in Darfur remains horrific.

In established democracies like India and Sri Lanka, and emerging ones like Russia, Indonesia, and Bangladesh, members of minority religions face official discrimination and suffer physical violence in several of these countries, even death, at the hands of religious extremists who are allowed to act with impunity.

In transitional states like Turkmenistan and Uzbekistan, thuggish regimes excuse their persecution of religious groups by claiming to be acting against extremism and terrorism. Close United States allies like Saudi Arabia, Pakistan, and Egypt differ greatly in the degree to which religious freedom is violated, but all three have barely begun to face their terrible records on religious freedom.

In Iraq, where so many have died to establish democracy, the rights of minority religious communities remain precarious. We must not relax our vigilance; otherwise, our brave soldiers, allies and countless Iraqis will have died in vain.

We have waited a long time for this report. It was 2 months late, yet perhaps the delay was providential. President Bush is traveling to China for a summit meeting with Chinese President Hu on November 19th, and the report will help focus American attention on China. China stands out from all other nations, not only for the sheer magnitude of its violations, but also for its systematic violence.

Last week a number of significant events occurred. The State Department released its *Annual Report on International Religious Freedom*, which again laid bare China’s war against faith and freedom. Secretary of State Rice announced that President Bush has again, for the seventh straight time, designated China a country of particular concern because of its egregious violations of religious freedom. The independent and bipartisan U.S. Commission on International Religious Freedom issued its report on its August visit to China, wherein the commission declared that, and I quote, “The Chinese Government continues to systematically violate the right to freedom of thought, conscience and religion or belief.” The State Department’s report makes clear that China’s already poor

performance has deteriorated in the past year. President Bush met with the Dalai Lama, a Nobel Peace Prize winner and one of the most outstanding symbols of human rights and religious freedom, not just in China, but in the world. Beijing, predictably, denounced the meeting.

Last week, also in an arrogant display of its total contempt for world opinion and its international obligations, Beijing sentenced Cai Zhuohua, the pastor of an underground Protestant church, to 3 years in jail for illegally printing Bibles. It also fined Cai \$20,000 and sentenced his wife and brother-in-law to somewhat shorter terms. This happened in Beijing, not in some distant province where out-of-control leaders, local leaders, could be blamed. This is clearly government policy, and a timely example of China's continuing refusal to observe its international obligations to respect religious freedom and human rights.

For years we have been assured by China, and its American supporters, that trade with China and economic reform would usher a modicum of respect for basic human rights and fundamental liberties. The trade-off between economic freedom and human rights was only temporary, we were told, but as the commission's report so aptly states, "This argument can no longer be sustained." In fact, the commission demonstrates: "The room for political openness, public activism and greater civil and individual freedoms is narrowing."

The State Department report and the CPC designation both also make it clear that there has been no overall improvement and respect for religious freedom in China. Again, they point out that it is tightening. All religious people suffer, but members of the unofficial churches, such as Catholics, members of the Protestant house church movement, Falun Gong practitioners, and ethnic minorities such as Tibetan Buddhists and Uighur Muslims, bear the brunt of abuses, which range from harassment and arbitrary detention in prisons, psychiatric facilities, and reeducation through labor camps to torture and death. The simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats tens of millions of its own citizens.

There is mounting concern in Congress, throughout the Government, and across the country concerning Chinese public policy. Yesterday I and 21 of my colleagues in the House from both parties sent President Bush a letter urging him to make human rights and religious freedom a major topic in his discussions with President Hu. I urge all Americans, indeed all concerned members of the international community, to express to the President the urgency of raising China's violations against human rights and religious freedom in that summit meeting, as he has done before.

We commend the President and his Administration for keeping religious freedom issues front and center, and declare our full support for his continuing efforts. Only by keeping the attention of the world focused on religious persecution in China can we hope to finally convince China's leaders of its ultimate futility.

The timing of this hearing is providential in perhaps another way. All this week in all Roman Catholic Churches throughout the world, every day at mass a passage from the Books of the Maccabees will be read. Those books tell of the terrible persecution the

Jewish people suffered over 2,000 years ago to preserve their faith. The tales of torture against innocent men, women and children, unfortunately, are all too familiar and similar to what is still happening today to believers in other parts of the world. But the Books of the Maccabees are not just histories of persecution, they are also the record of resistance and the ultimate triumph of faith, a triumph that the Jewish people still commemorate every year in the Feast of Hanukkah. The cause of religious freedom will triumph. We must do our part to see that it does.

The concern of the United States for religious freedom is rooted in thousands of years of tradition, authored and anchored by our Declaration of Independence as well as our Constitution. It is based on a fundamental dedication to and for individual human dignity and the rule of law. By passionately defending the rights of all believers everywhere, we demonstrate to a skeptical world that America is truly committed to freedom, and not just simply its own national interests or, perhaps better, that freedom is America's natural interest.

I would like to yield to Mr. Payne for any opening comments that he might have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Subcommittee will come to order, and good morning to everyone.

Today the Subcommittee on Africa, Global Human Rights and International Operations will hold an oversight hearing on the Congressionally-mandated International Religious Freedom report and on the designations of Countries of Particular Concern for 2005. The hearing will focus on Countries of Particular Concern (CPC): Eritrea, Sudan, Saudi Arabia, Iran, Burma, Vietnam, China and North Korea; as well as on other countries where the rights of believers are seriously threatened such as Turkmenistan, Uzbekistan, Egypt, Pakistan, Indonesia, Bangladesh, Nigeria, Russia and Cuba. The Subcommittee will consider what the U.S. has done in the past year to address these issues and what it intends to do in the coming year. By demonstrating the passionate concern of the U.S. Congress for religious liberty, and by focusing national attention on the challenges this first freedom confronts in the world today, we have a real opportunity to advance freedom throughout the world.

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Mr. PAYNE. Thank you very much, Mr. Chairman, for calling this very important hearing, and let me also commend you for being a voice for the question of religious tolerance in the world to be focused on. Even in some of our organizations, international organizations, European, the OSCE, you have continually urged them to take the same amount of concern that we have, and we are pleased to say that that is happening, so I do commend you on this issue.

Mr. Chairman, I thank you for calling this important and timely hearing on the 2005 *Annual Report on International Religious Freedom*. This year, as you know, the President, in consultation with the State Department's office on International Religious Freedom and the U.S. Commission on International Religious Freedom, decided to keep Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Vietnam on the list of countries of particular concern, the CPCs. As the Chairman said, we are pleased with that. This decision was reached because there were no developments which would seem to warrant the removal of countries from that list.

Though no new countries were added to the CPC list, Ambassador-at-Large for Religious Freedom, our Ambassador here this morning from whom we will hear today, has indicated that there are potential CPC countries that he is closely monitoring; namely, Pakistan for discrimination against Shi'as, Ahmadiyahs, Hindus, and Christians; Uzbekistan for cracking down on certain Muslims that don't describe to state-sanctioned practices; and Turkmenistan, which was referred to as one of the most repressive states in the world.

It is very important that we remain watchdogs of religious freedom around the world, and I commend the Ambassador's office and the commission, but I do have concerns about countries whose religious tolerance levels are vastly different but are grouped in the same category.

I also think it is important that political determination not be made when determining who should be placed on the watch list or the CPC list. China is obviously a gross violator of human rights and religious rights and is known for the violation and brutality of practices against Falun Gong practitioners and the crackdown on the religious minorities such as the Muslim Uighurs, Tibetan Buddhists, and some Christian groups. So the PRC's designation as a CPC since 1999 is certainly warranted.

But then we have a case of Eritrea. Now, I am aware that the government has required all religious groups to either register or be forced to cease all activities and has closed some facilities, and this is certainly wrong. The government has also harassed and detained members of the Pentecostal, some independent evangelical groups, and Jehovah Witnesses. And I had an opportunity to speak to President Issayas in Eritrea about these and indicated that I thought that it was extremely wrong what he was doing, and that

religious freedom should be practiced. Certainly wrong, and as I indicated to him, I would hope that he would stop that behavior.

Eritrea should agree to sign a Memorandum of Understanding on Religious Freedom. However, the actions of the Government of Eritrea, designated as a CPC in 2004, are a far cry from the actions of Saudi Arabia, in a country where religious freedom does not exist at all, but was also just named a CPC in 2004. In Saudi Arabia there are no protections whatsoever for religious freedom, and only the state-sanctioned, strictly conservative strand of Sunni Islam is ever allowed.

Now Muslims could face even torture if caught practicing by the Muttawa, which are religious police. The Saudis' interpretation of sharia law for all exact criminal capital punishment for even petty crimes. In 2003, in Saudi Arabia, a Yemeni was sentenced to death by decapitation for insulting Islam. Last April six Somali men were beheaded for robbery. Of course we feel that insulting religion and robbery are wrong, but to decapitate by severing the head from the body seems a little extreme to me.

I would like to hear very clearly in the witness' testimony what we are doing to clearly show Saudi Arabia that we will not be friendly with a country that engages in such brutality against its people. Namely, I want to know what sanctions have been or will be applied to Saudi Arabia and when.

In Sudan, and as I mentioned about Somalia, Islam is allowed, Christianity is allowed, many multi-religious groups have practiced for centuries as a matter of fact. However, there was a concern with some of the Pentecostals who were, in the name of the President, pitting young people against their parents, questioning the family laws in their country and felt that there was enough Christianity and Islam there without bending to the new groups.

So I would like to see how we put people on the same levels. In Sudan, sharia law has been forced on all Sudanese, not just Muslims; and that is what the 20-year North/South fight has been about. The late Dr. John Garamond, the South Sudanese Liberation Army, has fought against sharia being imposed on Christians and Animists and agnostics, not just Muslims. But they are all Sudanese. If you are Muslim and you agree with sharia, that is your religious belief; however, there is something wrong when a country imposes that on others. We have seen the Sudan Peace Act; however, violations are still going on with the Government of Sudan. But that is another issue.

I would like to see the Government of Sudan strongly condemned for repression against other religions, and I think as we continue to work toward the end of the brutal genocide in Darfur against Black Muslims and toward full implementation of the Comprehensive Peace Agreement in Sudan, we also should make clear to the Government of Sudan that repression, whether for religion, as it was used in the South, or for race, as it is doing in Darfur, will not be tolerated by the United States.

Also, I will just conclude that most countries in Europe and even here in the United States do not have laws against religious intolerance. We do see in France what happens when people of a different religion have been persecuted, have been ghettoized, have been used when employment is up and unemployed when employ-

ment goes down, and much of that discrimination in France is due to religious beliefs. And we find in Germany, with Turks who also have—many practicing Islam have been ghettoized for decades, have been discriminated against in Germany because of their religion.

And I must also say that even here in the United States we are finding communities rejecting applications for mosques to be built in towns, just saying, “We don’t have land, we don’t want you, and we will not approve for the building of a mosque.” Even in one New Jersey town they forced a mosque off on some back road and would not allow a sign to be put up to give directions to where the mosque was.

And so as we look at officially sanctioned *de jure* religious persecution, we also need to look at *de facto*. *De jure* is “by law,” and it is very, very serious. *De facto* is “by practice,” however, it can be as serious.

With that, Mr. Chairman, I thank you, and I yield back the balance.

Mr. SMITH. Thank you.

Mr. Sherman.

Mr. SHERMAN. Mr. Chairman, I thank you for holding these hearings, and let’s hear from the witness.

Mr. SMITH. Thank you very much, Mr. Sherman.

Let me now introduce the very distinguished John V. Hanford III, Ambassador, who was sworn in as Ambassador-at-Large for International Religious Freedom on May 2, 2002. He serves as the principal adviser to President Bush and Secretary of State Condoleezza Rice on issues of religious freedom worldwide. From 1997 to 2002, Mr. Hanford served as an expert on international religious freedom while working on the staff of Senator Richard Lugar. During this period, Ambassador Hanford organized numerous efforts involving U.S. House of Representatives Members, Presidents, and Secretaries of State to address some of the world’s most severe problems of religious persecution. In 1998, Mr. Hanford led a team of congressional offices in crafting the International Religious Freedom Act—I know because we worked so closely with him—and did a great deal of work on the Senate side to ensure the passage of that legislation, which was very much in doubt. As Members might recall, it was vigorously opposed then by the Clinton Administration, so it was a Herculean effort to get that legislation enacted into law, and the President did ultimately sign it.

I want to thank him for his leadership. He has been dogged in his determination to promote respect for the sanctity of religious belief, and for believers who are incarcerated, tortured and mistreated in many, many parts of the world. He travels extensively and has advised this Subcommittee over and over again and has provided very valuable input. So I want to thank him for that exemplary leadership.

Mr. Ambassador, the floor is yours.

**STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AM-
BASSADOR-AT-LARGE, OFFICE OF INTERNATIONAL RELI-
GIOUS FREEDOM, U.S. DEPARTMENT OF STATE**

Ambassador HANFORD. Mr. Chairman and Members of the Subcommittee, it truly is an honor to be here today before the Committee, and I want to begin by thanking you for holding this hearing and for giving me the opportunity to discuss the recent work of the State Department on religious freedom. This Subcommittee has historically placed a very prominent emphasis on this issue, and it is known and noticed around the world.

It has been my great pleasure to work with this Committee over the past several years, and I am grateful for your continued emphasis on this issue, for the support you give our efforts, and for the advocacy each of you do in your own right.

We recently submitted to the Congress our seventh *Annual Report on International Religious Freedom*. This report demonstrates our Nation's commitment to the ideal of religious freedom, and our compassion for those who are deprived of it. And now I want to abbreviate my remarks, but I ask that they be submitted in their entirety for the record.

Mr. SMITH. Without objection.

Ambassador HANFORD. Religious freedom has always been central to American life and public policy. It is the first freedom enumerated in our Bill of Rights, a reflection of the Founders' belief that freedom of religion and conscience is the cornerstone of liberty. For nearly four centuries now millions have come to our shores seeking the freedom to worship according to the dictates of their own conscience.

I wish to note with great approval the title chosen by the Committee for this hearing, "In Defense of Human Dignity: The 2005 International Religious Freedom Report." Indeed, religious freedom is at the core of human dignity, the notion that every human being possesses an inherent, an invaluable worth that transcends the authority of the state.

Religious freedom is the cornerstone of all other human rights in the sense that it touches the most intimate sphere of the human spirit. The spiritual longings of the human heart have an innate dignity all their own. These longings deserve our respect and they demand our protection.

Every violation of religious freedom, whether open or hidden, does fundamental damage to the individual and to the larger society. The international religious freedom report seeks to shine light on these violations, and in so doing serves as an important bulwark in the defense of human dignity.

Today, there is international recognition that freedom of religion is an inalienable right. No external power or government should grant unto itself the authority to restrain or extinguish this right to religious freedom. To cry out against the torture of people because of their religion, to demand the release of those in prison because of their religious beliefs, to insist that religious minorities be protected, these are not simply acts on behalf of the oppressed, they are actions to affirm a precious and universal right, and it is this aspiration that we seek to serve through the work of our office.

Since the passage of the International Religious Freedom Act of 1998 we have made important strides in integrating religious freedom into U.S. foreign policy. President Bush and Secretary Rice strongly believe that promoting religious freedom is as much a national interest as it is a national ideal. Those nations that affirm religious liberty lay a cornerstone for democracy and the rule of law. Those nations that respect the rights of their own citizens are those most likely to respect the rights of their neighbors. It is no accident that radical movements most frequently gain strength and recruits under authoritarian regimes that restrict freedom of conscience and belief. As President Bush has said, the best anecdote to radicalism and terror is the tolerance and hope kindled in free societies.

For all of our efforts, considerable challenges remain. Too many people continue to suffer for the belief or practice of their faith. The religious freedom report is a signal to both persecutor and the persecuted that they are not forgotten.

The production of the international religious freedom report is an enormous undertaking, and this year's report covers events and conditions in 197 countries and areas. I would like to express my profound gratitude for the exemplary work done by the hundreds of employees of the Department of State here and abroad who made this report possible, and I would like to commend in particular the officers of the Office of International Religious Freedom, which took over full responsibility for the editing and production of the report for the first time this year.

In addition to maintaining the production of the report, the International Religious Freedom Act also requires the Secretary to designate as countries of particular concern, or CPCs, any country whose government has engaged in or tolerated particularly severe violations of religious freedom. The CPC designation is one of a number of tools in our arsenal, and we make every effort to use it in a way that offers the greatest potential to bring about positive change. This year Secretary Rice found it necessary to redesignate eight CPCs; namely, Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Vietnam.

In addition, I want to make clear that we are in final CPC negotiations on one or two additional fronts. We anticipate making an additional CPC announcement in the near future.

Allow me to take a few moments to review the status of religious freedom in CPC countries.

In Burma, the government infiltrated religious organizations and discouraged or prohibited non-Buddhist groups from constructing new places of worship. Some religious leaders, including a number of Buddhist monks who promote human rights, are imprisoned, and some Christian clergy face arrest and the destruction of their churches.

In China, underground Protestant groups, Catholics who recognize the spiritual authority of the Pope, Muslim Uighurs, Tibetan Buddhists, and members of groups the government considers to be cults continue to experience intimidation, harassment, detention, and reeducation through labor camps. In prison the government abused members of unregistered religious groups like the South China Church for refusing to recant their beliefs. There are also

credible reports of deaths in prison and labor camps due to torture and abuse.

In Eritrea, the government continues to harass, arrest and imprison without trial members of Pentecostal and other independent evangelical groups, and Jehovah's Witnesses. Some religious persons were held in harsh conditions that included placing them in shipping containers in the desert. As a result, in September, Secretary Rice approved a sanction to deny commercial export to Eritrea of any defense articles and defense services controlled under the Arms Export Control Act, with narrow specified exceptions.

In Iran, members of religious minorities, including Sunni and Sufi Muslims, Baha'is, Jews, and Christians face imprisonment, harassment, intimidation, and discrimination based on their religious beliefs.

In North Korea, religious freedom is nonexistent. Defectors continue to report that the regime arrested and executed members of underground Christian churches in prior years. Over the years, defectors have asserted that Christians were imprisoned and tortured for reading the Bible and talking about God.

In Saudi Arabia, freedom of religion does not exist, and the government rigidly enforces conformity to the state-sanctioned Wahhabi tradition of Sunni Islam. Non-Wahhabi Sunni, Shi'a, and Sufi Muslims face discrimination and sometimes severe restrictions on the practice of their faith. The government prohibits non-Muslim religious activities. Some non-Wahhabi Muslim and non-Muslim worshipers risk arrest, imprisonment, lashing, and deportation for engaging in religious activity that attracts official attention.

In September, Secretary Rice approved a temporary 180-day waiver to further the purposes of the International Religious Freedom Act as provided for under that legislation. As senior Saudi officials have increasingly recognized the need to improve the climate of religious tolerance, this waiver is giving us time to work with the government to further address our concerns.

In Sudan, Islamization has been the objective of the governing party, and it continued to attempt to impose sharia on non-Muslims in some parts of the country. Many non-Muslims state that they have been treated as second-class citizens. We will be watching the actions of the new Government of National Unity to ensure that it fully implements the provisions of the comprehensive peace agreements and the new Constitution, both of which provide specific guarantees for religious freedom for all individuals.

In the case of Vietnam, we are encouraged by a number of positive developments but remain concerned about continued reports of abuse. Vietnam's legal framework continues to require religious denominations to be officially sanctioned by the government. We are concerned about the lack of universal implementation of the new legislation, particularly in light of reports that local officials have pressured ethnic minority Protestants to renounce their faith. We are also concerned about the lack of normalized relations between the government and the Unified Buddhist Church of Vietnam, the Mennonites and others.

At the same time, our efforts to work with the Government of Vietnam on a wide range of issues of reform are bearing fruit. We have been particularly encouraged by the promulgation of new laws

that have relaxed control of religious activities, and the promotion and transfer of clerics. The government has released 14 prominent prisoners and facilitated the registration and reopening of a number of Protestant house churches.

On May 5 of this year, we concluded an agreement with the Government of Vietnam that addresses important religious freedom concerns. This is the first such agreement ever negotiated or signed under the International Religious Freedom Act. Under the terms of this agreement, the Government of Vietnam will fully implement the new laws on religious activities and render previous contradictory regulations obsolete. It will instruct local authorities to adhere strictly and completely to the new legislation. It will also facilitate the registration and opening of houses of worship, and continue working with us on the release of prisoners of concern.

Vietnam must make additional progress before we can consider removing it from the list of CPCs, and we will continue working with the government to secure further reforms to facilitate greater religious freedom.

Beyond these nations designated as CPCs, we are engaging a number of additional countries on serious violations of religious freedom. For example, the situation in Uzbekistan continues to involve heavy repression of religious freedom. In the past year, the government continued to mistreat Muslim believers that it suspected of extremism. Hundreds of Muslim believers are imprisoned for no reason other than the fact that they are outwardly observant of their religious beliefs.

The government took important steps in 2004 to address torture and establish police accountability, but serious abuses continue. Unregistered religious groups continue to experience varying degrees of official interference, harassment, and repression, as did congregations of ethnic Uzbek Christians.

At the same time, on many fronts this has been a good year for religious freedom. I would like to take a few moments to report on some positive developments.

In Iraq, a country whose CPC designation was lifted in 2004, the new Constitution approved overwhelmingly in a national referendum last month gives every individual the freedom of thought, conscience and faith. The critical test will be in the Constitution's implementation and interpretation. That said, the Constitution establishes a framework for religious liberty by not only explicitly providing for freedom of religion, but also by guaranteeing freedom of assembly, association, conscience, and expression.

In Turkmenistan, Presidential decrees and amendments to law resulted in the registration of new minority religious groups and the release of a number of prisoners, and just recently the government conducted a first ever roundtable with representatives of religious minorities. Nevertheless, serious problems remain.

In India, while problems remain, we observed a general improvement in the respect for religious freedom. The government refused to approve the Gujarat Control of Organized Crime Act, and also repealed a Controversial Prevention of Terrorism Act which has been criticized by Muslim groups as a tool to target them. The government also withheld controversial school textbooks that espouse a Hindu nationalist agenda.

In Georgia, the government took a positive step by passing a law that allows religious groups to register. The government also imprisoned an excommunicated Orthodox priest and several of his associates who were primary instigators of religiously-motivated violence.

In Indonesia, the country with the world's largest Muslim populations, problems remain. However, it is worth noting that Indonesia has a centuries-long tradition of religious tolerance. President Yudhoyono's administration is committed to promoting religious freedom and is working on a number of initiatives that address religious tensions in the archipelago.

In the United Arab Emirates, government officials took the lead in encouraging moderation, showing respect for minority religions, and in June a law was promulgated establishing a cultural center with the goal of fostering interreligious tolerance. And in Qatar, a new Constitution which just came into effect explicitly provides for freedom of worship.

In conclusion, promoting religious freedom is central to our Nation's role in the world. Ensuring greater religious freedom means demanding changes in laws that are oppressive or discriminatory, and it means pressing for the release of religious prisoners and coming to the aid of victims of abuse.

As a central part of President Bush's freedom agenda, all of these efforts are about one thing, making life full and secure for individual people of faith around the world. Eleanor Roosevelt, a great champion of human rights, never lost sight of this focus on the individual. When she was asked where human rights begin, she answered:

"In small places close to home, so close and so small that they cannot be seen on any maps of the world, yet they are the world of the individual person."

There is no right more central to the "world of the individual person" than religious freedom.

Again, we offer sincere thanks to each of you for your commitment to religious freedom in every nation for every individual around the world. I look forward to continuing to work with you, and now would be very pleased to take any questions you may have.

[The prepared statement of Ambassador Hanford follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AMBASSADOR-AT-LARGE, OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Mr. Chairman and Members of the Subcommittee: It is an honor to be here today before the Committee and I want to begin by thanking you for holding this hearing and for giving me the opportunity to discuss the recent work of the State Department on religious freedom.

It has been my great pleasure to work with this Committee over the past several years, and I am very grateful for the Committee's commitment to religious freedom, for the support you give to our efforts, and for the advocacy each of you do in your own right.

We recently submitted to the Congress our seventh *Annual Report on International Religious Freedom*, and I appreciate this opportunity to formally present the report findings to the Committee. This report demonstrates our nation's commitment to the ideal of religious freedom and our compassion for those who are deprived of it.

Religious freedom has always been central to American life and public policy. It is the first of the freedoms enumerated in our Bill of Rights—a reflection of the Founders’ belief that freedom of religion and conscience is the cornerstone of liberty. For nearly four centuries now, millions have come to our shores seeking the freedom to worship according to the dictates of their own conscience. Religious liberty has been an essential ingredient in the American experiment in self-government. Americans have always drawn great strength from the free exercise of their religion and from the diverse faith communities that flourish in our nation. As President Bush said earlier this year, “Our Founding Fathers knew the importance of freedom of religion to a stable and lasting Union. Our Constitution protects individuals’ rights to worship as they choose. . . . We reject religious bigotry in every form, striving for a society that honors the life and faith of every person. As we maintain the vitality of a pluralistic society, we work to ensure equal treatment of faith-based organizations and people of faith.”

Religious Freedom and the Dignity of the Human Person

Religious freedom is at the core of human dignity—the notion that every human being possesses an inherent and inviolable worth that transcends the authority of the State. Religious freedom is a cornerstone of all other human rights in the sense that it touches the most intimate sphere of the human spirit. It is an essential ingredient for the flourishing of the individual and of the whole of society. The spiritual longings of the human heart have an innate dignity all their own. These longings deserve our respect and demand our protection. Every violation of religious freedom, whether open or hidden, does fundamental damage to the individual and to the larger society. The International Religious Freedom Report seeks to shine light on these violations and, in so doing, serves as an important bulwark in the defense of human dignity.

Religious freedom contributes decisively to producing a free and just society. The protection of the inherent and inviolable right of every human being to pursue ultimate truth and to believe and worship, or not, helps all individuals to be genuinely free and to gain a fuller understanding of their own inherent dignity. The ability to choose freely one’s beliefs gives meaning to the choice and ennobles the individual. Thus, religious freedom strengthens a society’s moral integrity: it unites its citizens and makes them more respectful and committed to each other and to the common good.

Today there is international recognition that freedom of religion is an inalienable right of all humankind. Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights contain strong affirmations of the universality of this right. Religious freedom is indeed a universal right, not confined to any particular nation, culture or faith. It is a right which is not conferred from the outside, but arises from the person’s very nature. No external power or government should grant unto itself the authority to constrain or extinguish this right. To cry out against the torture of people because of their religion, to demand the release of those imprisoned because of their religious beliefs, to insist that religious minorities be protected—these are not simply acts on behalf of the oppressed. They are actions to affirm a precious and universal right. It is this aspiration that we seek to serve through the work of our office.

Since the passage of the International Religious Freedom Act in 1998, we have made important strides in integrating religious freedom into U.S. foreign policy. President Bush and Secretary Rice strongly believe that promoting religious freedom is as much a national interest as it is a national ideal. Those nations that affirm religious liberty lay a cornerstone for democracy and the rule of law. Those governments that respect the rights of their own citizens are those most likely to respect the rights of their neighbors. It is no accident that radical movements most frequently gain strength and recruits under authoritarian regimes that restrict freedom of conscience and belief. As President Bush has said, “the best antidote to radicalism and terror is the tolerance and hope kindled in free societies.”

For all of our efforts, considerable challenges remain. Too many people continue to suffer for the belief or practice of their faith. Too many governments, despite having pledged to abide by the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights, still refuse to honor this right. Religious freedom may be a reality for some, but for many others it remains illusive. The religious freedom report is a signal to both persecutor and persecuted that they are not forgotten.

International Religious Freedom Report

The production of the International Religious Freedom Report is an enormous undertaking, and I’d like to express my profound gratitude for the exemplary work

done by the hundreds of employees of the Department of State here and abroad who make the report possible. I would like to commend the officers of the Office of International Religious Freedom, which took over full responsibility for the editing and producing of the report for the first time this year. I would also like to thank my colleagues in the Bureau of Democracy, Human Rights and Labor who provided so much invaluable support. Finally, I would like to express my gratitude to my colleagues in the Department's regional bureaus and, most importantly, in our embassies and consulates around the world who worked so diligently to collect, report, and verify the information contained in this report.

This year's report covers events and conditions in 197 countries and areas from July 1, 2004 through June 30, 2005. In our Executive Summary we survey different restrictions on religious freedom, highlight countries where religious freedom conditions have improved, and describe U.S. actions to promote international religious freedom.

The annual report is instrumental in our efforts to promote religious freedom as a universal right. The report is a vehicle through which we seek to expose the wide variety of barriers to religious freedom. In some countries, totalitarian or authoritarian regimes strictly control religious belief and practice, imprisoning those who are caught expressing a prohibited faith. In others, governments impose discriminatory policies and laws that intimidate or harass certain religious groups, sometimes causing members of these groups to flee the country. And in still others, governments are negligent in their duty to protect religious minorities or adherents of "unapproved" religions from discrimination or persecution from local officials or from violence by members of the public. Even some of the most open societies in the world have used restrictive legislation and practices to limit religious expression or to brand minority religions as "cults" or "sects."

Sometimes intolerance has several components, including a religious dimension. Anti-Semitism, for example, touches on both religious discrimination and ethnic discrimination, and it continues to be a problem of great concern to the U.S. Government and to the international community. We continue to monitor and report on anti-Semitism, which is as much a problem in Russia and certain other parts of the former Soviet Union as it is in some countries of Western Europe. In Moscow alone in 2005, as many acts of violence against Jews had been reported in the first four months—by April—as had been reported in all of 2004. Although the Government of Russia was quick to condemn the violence and provide better security to the area near the synagogue where most of the acts took place, we note that anti-Semitism, even among some representatives in the Duma, continued to be a significant concern.

Countries of Particular Concern

In addition to mandating the production of the annual report, the International Religious Freedom Act also requires the Secretary to designate as "Countries of Particular Concern," or CPCs, any country whose government has engaged in or tolerated particularly severe violations of religious freedom.

The CPC designation is one of a number of tools in our arsenal, and we make every effort to use it in a way that offers the greatest potential to bring about positive change. Therefore, before designating a government as a CPC, we engage in sustained, vigorous and high-level diplomacy with authorities in countries where we have diplomatic relations, describing to them the religious freedom violations that place them at the threshold of designation, and suggesting specific steps they can take to improve religious freedom and avoid designation. We devote special attention to countries where there are severe violations of religious freedom. This year Secretary Rice found it necessary to re-designate eight CPCs, namely, Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Vietnam. We will continue to encourage these governments to guarantee internationally recognized standards of religious freedom.

In addition, I want to make clear that we are in final CPC negotiations on one or two fronts. We anticipate making an additional CPC announcement in the near future.

Allow me to take a few moments to review the status of religious freedom in CPC countries.

In Burma, the government continues to place severe restrictions on religious freedom in a number of ways, including monitoring or infiltrating religious organizations and discouraging or prohibiting non-Buddhist groups from constructing new places of worship or repairing existing ones. Some religious leaders, including a number of Buddhist monks who promote human rights and political freedom, are imprisoned, and some Christian clergy face arrest and the destruction of their

churches. Muslims face considerable discrimination, including travel restrictions and occasional state-orchestrated or tolerated violence.

In China, the government continues to restrict religious practice to government-sanctioned organizations and registered places of worship. Underground Protestant groups, Catholics who recognize the spiritual authority of the Pope, Muslim Uighurs, Tibetan Buddhists and members of groups the government considers to be “cults” continue to experience intimidation, harassment, detention and reeducation-through-labor camps. In prison, the government abused members of unregistered religious groups like the South China Church for refusing to recant their beliefs. There were also credible reports of deaths in prisons and labor camps due to torture and abuse.

In Eritrea, the government issued a decree in 2002 that effectively prohibited all religious activities outside of four officially recognized groups. The government continues to harass, arrest, and imprison without trial members of Pentecostal and other independent evangelical groups and Jehovah’s Witnesses. Some religious prisoners were held in harsh conditions that included placing them in shipping containers in the desert where they were exposed to extreme temperature fluctuations. There were also numerous reports of attempts to force recantations. Diplomatic efforts over the past year to work constructively with the Eritrean government on religious freedom have been unsuccessful. As a result, in September Secretary Rice approved a sanction to deny commercial export to Eritrea of any defense articles and defense services controlled under the Arms Export Control Act, with narrow specified exceptions.

In Iran, members of religious minorities—including Sunni and Sufi Muslims, Baha’is, Jews, and Christians—face imprisonment, harassment, intimidation, and discrimination based on their religious beliefs. Baha’is are forbidden from practicing their faith, and the state-controlled media conducted a campaign of defamation against the group. The government has vigilantly enforced its prohibition on proselytizing activities by certain Protestant Christians by closing churches and arresting converts. In September of 2004, security officials arrested 85 leaders of the Assemblies of God Church.

In North Korea, religious freedom is non-existent, and particularly severe violations of religious freedom continue. The regime continues to repress unauthorized religious groups. In addition, religious persons who proselytized or who had ties to overseas Christian groups operating in China were allegedly subjected to arrest and harsh penalties. Defectors continued to report that the regime arrested and executed members of underground Christian churches in prior years. Over the years, defectors have asserted that Christians were imprisoned and tortured for reading the Bible and talking about God. These reports are difficult to confirm because the regime severely limits our access there.

In Saudi Arabia, freedom of religion does not exist and the government rigidly enforces conformity to the state-sanctioned Wahhabi tradition of Sunni Islam. Non-Wahhabi Sunni, Shi’a, and Sufi Muslims face discrimination and sometimes severe restrictions on the practice of their faith. Members of the Shi’a minority are subject to officially sanctioned political and economic discrimination, including limited employment opportunities, little representation in official institutions, and restrictions on the building of mosques and community centers. The Government prohibits public non-Muslim religious activities. Some non-Wahhabi Muslim and non-Muslim worshippers risk arrest, imprisonment, lashing, deportation and, in rare cases, torture for engaging in religious activity that attracts official attention.

In September, Secretary Rice approved a temporary 180-day waiver “to further the purposes of the International Religious Freedom Act,” as provided for under that legislation. Senior Saudi officials have recognized the need to improve the climate of religious tolerance, and this waiver will give us time to work with the government to address our concerns. The Secretary has raised our religious freedom concerns with senior Saudi officials and has stressed the importance of continuing to work on this issue. In coming months we will press for the implementation of necessary reforms and improvements, such as improving religious freedom for non-Muslims, Muslim minorities and Muslims whose practice differs from the state-sanctioned Wahhabi interpretation of Islam.

In Sudan, Islamization has been the objective of the governing party and it continued to attempt to impose “Shari’a” on non-Muslims in some parts of the country. The government continued to place restrictions on and discriminate against non-Muslims, non-Arab Muslims, and Muslims from tribes and groups not affiliated with the ruling party. Applications to build mosques generally were granted; however, the process for applications to build churches has been more difficult, so much so that it appears that the last permit was issued around 1975. Many non-Muslims state they have been treated as second-class citizens and discriminated against in

government jobs and contracts. Some Muslims received preferential treatment for government services, such as access to medical care, and preferential treatment in court cases involving Muslims against non-Muslims. We will be watching the actions of the new Government of National Unity to ensure that it fully implements the provisions of the Comprehensive Peace Agreement and the new constitution, both of which provide specific guarantees for religious freedom for all citizens. We will pay special attention to the provisions in the constitution that state Shari'a is only to be a source of legislation in Northern Sudan, and that non-Muslims in the national capitol of Khartoum will be exempt.

In the case of Vietnam, we are encouraged by a number of positive developments, but remain concerned about continued reports of abuses. Vietnam's legal framework continues to require religious denominations to be officially sanctioned by the government. Restrictions on the hierarchies and clergy of religious groups remain in place. A number of persons remain in prison or under detention for religious reasons. We are concerned about the lack of universal implementation of the new legislation, particularly in light of reports that local officials have pressured ethnic minority Protestants to renounce their faith. We are also concerned about the lack of normalized relations between the government and the Unified Buddhist Church of Vietnam, the Mennonites, and other groups.

At the same time, our efforts to work with the Government of Vietnam on a wide range of issues of reform are bearing fruit. Over this past year, the Government of Vietnam has taken a number of significant steps to improve religious freedom. We have been particularly encouraged by the promulgation of new laws that have relaxed control of religious activities and the promotion and transfer of clerics. The government has released fourteen prominent prisoners and facilitated the registration and re-opening of a number of Protestant "house churches" that had been closed in 2001. It has also permitted the Northern and Southern Evangelical churches to hold long-awaited congresses.

On May 5 of this year, we concluded an agreement with the Government of Vietnam that addresses important religious freedom concerns. This is the first such agreement ever negotiated or signed under the International Religious Freedom Act. Under the terms of this agreement, the Government of Vietnam will fully implement the new laws on religious activities and render previous contradictory regulations obsolete, instruct local authorities to adhere strictly and completely to the new legislation, facilitate the registration and opening of houses of worship, and continue working with us on the release of prisoners of concern. Vietnam must make additional progress before we can consider removing it from the list of CPCs, and we will continue working with the government to secure further reforms to facilitate greater religious freedom.

Beyond those nations designated as CPCs, we are engaging a number of additional countries on serious violations of religious freedom. For example, the situation in Uzbekistan continues to involve heavy repression of religious freedom. In the past year the government continued to mistreat Muslim believers that it suspected of extremism. Hundreds of Muslims believers are imprisoned for no other reason than they are outwardly observant of their religious beliefs. The government took important steps in 2004 to address torture and establish police accountability, but serious abuses continued. Unregistered religious groups continued to experience varying degrees of official interference, harassment, and repression, as did congregations of ethnic Uzbek Christians. We are continuing engagement with the government to encourage respect for religious freedom for all groups.

Improvements in religious freedom

On many fronts this has been a good year for religious freedom. I would like to take a few moments to report on some positive developments.

In Iraq, a country whose CPC designation was lifted in 2004, the new constitution, approved overwhelmingly in a national referendum last month, gives every individual the "freedom of thought, conscience and faith." The critical test will be in the constitution's implementation and interpretation. In our ongoing dialogue with Iraqi authorities, we will encourage them to implement and interpret the constitution in a manner consistent with Iraq's international human rights obligations. That said, the constitution establishes a framework for religious liberty by not only explicitly providing for freedom of religion, but by also guaranteeing freedom of assembly, association, conscience and expression. The constitution guarantees the freedom of worship and the protection of places of worship. It also contains a provision stating that Iraq "shall respect its international obligations." These international obligations include the religious freedom guarantees found in the International Covenant on Civil and Political Rights, to which Iraq is a party.

In Turkmenistan, where serious violations of religious freedom persist, we will continue to make clear to the government the need for greater and sustained improvements. That said, there were positive developments. Presidential decrees and amendments to law resulted in the registration of new minority religious groups. We also note the release of a number of prisoners and, just recently, the government conducted a first-ever roundtable with representatives of religious minorities. However, we continue to press hard for genuine reform that reflects authentic regard for religious freedom.

In Pakistan, serious violations of religious freedom persist, and we are working for reform. The government has maintained its public call for religious tolerance and has taken some positive steps, including revising the implementation of the blasphemy laws and Hudood Ordinances that have led to past abuses. The government has also made efforts to curb sectarian violence and end the teaching of religious intolerance through reform of the public education curriculum. We welcome Pakistan's consistent call for an end to religious extremism. We will continue to press the government on the need for further improvements on religious freedom.

In India, while problems remained, we observed a general improvement in respect for religious freedom. During the year the government demonstrated its commitment to a policy of religious inclusion at the highest levels of government and throughout society. It also took steps to address expeditiously the failures of the Gujarat State government to halt the Hindu-Muslim riots that occurred there in 2002. The government refused to approve the Gujarat Control of Organized Crime Act, passed by the Gujarat legislature in June 2004, which Muslim groups feared would be used selectively against them. The government also repealed the controversial Prevention of Terrorism Act, which had been criticized by Muslim groups as a tool used to target them, and replaced it with a law considered to be fairer to minorities. The Government also withdrew controversial school textbooks that espoused a Hindu nationalist agenda and replaced them with more moderate editions. No new states passed anti-conversion laws, and Tamil Nadu repealed its anti-conversion law.

In Georgia, the government took a positive step by passing a law that allows religious groups to register. The government also imprisoned an excommunicated Orthodox priest and several of his associates who were primary instigators of religiously motivated violence.

In Indonesia, the country with the world's largest Muslim population, problems remain. However, it is worth noting that Indonesia has a centuries-long tradition of inter-religious tolerance. President Yudhoyono's administration is committed to promoting religious freedom and is working on a number of initiatives that address religious tensions in the archipelago.

The Middle East continues to be one of our top priorities because of the widespread abuse of religious freedom by some in the region. However, we have noted improved conditions in some countries. In the United Arab Emirates, for example, government officials took the lead in encouraging moderation, showing respect for minority religions, and fostering understanding among religions. On a number of occasions, senior government officials met with representatives of non-Muslim faith groups to discuss religious tolerance, and in June a law was promulgated establishing an Islamic cultural center with the goal of fostering inter-religious tolerance and promoting a better understanding of Islam in the West. In addition, in Qatar, a new constitution which just came into effect explicitly provides for freedom of worship and guarantees the right of association and assembly in accordance with the law.

Conclusion

Promoting religious freedom is central to our nation's role in the world. This commitment leads us to continually expand our efforts. Ensuring greater religious freedom means demanding changes in laws that are oppressive or discriminatory. It means insisting on enforcement of laws that promote religious freedom by government officials. It means devoting energy and resources to promote greater understanding of the importance of this universal value. And it means pressing for the release of religious prisoners, and coming to the aid of victims of abuse. As a central part of President Bush's freedom agenda, all of these efforts are about one thing: making life full and secure for individual people of faith around the world. Eleanor Roosevelt, a great champion of human rights, never lost sight of this focus on the individual. When she was asked where human rights begin, she answered: "In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person. . . ."

There is no right more central to the "world of the individual person" than religious freedom. For all our many differences around this world, each of us holds cer-

tain beliefs dear, and we all understand intuitively that we have the right to express them—especially through the practice of our faith. Societies that achieve respect for the freedom of religion defend human dignity and lay a cornerstone for democracy and the rule of law.

Again, we offer sincere thanks to each of you for your commitment to ensuring freedom of thought, conscience, and religion for every individual, in every nation and society around the world. I look forward to continuing to work with you on behalf of religious freedom, and would be pleased to take any questions you may have.

Mr. SMITH. Ambassador Hanford, thank you very much for your very eloquent statement.

Let me just begin the questioning by focusing first on China. As you pointed out, this is the seventh year that it has been so designated as a CPC country, and it seems, as in Michael Cromartie's statement, as Chairman of the International Religious Freedom Commission, this makes it very clear that in its view and in the view of this Chairman—because I have long held hearings, made trips to China and studied the reporting on virtually all of the religious freedom and human rights organizations that cover China—but as the International Commission does point out, it is getting worse. It has deteriorated, as it points out in its report, in the last year, and I am wondering what plan of action we might have in store for the PRC.

As I said in my opening statement, I was one of those who felt that MFN, without conditions, was a lost opportunity. I also believe that when we made it permanent with PNTR, we really put the bar away for those to report the opportunity to press for religious freedom and other basic human rights freedoms in China. We made it less likely, not more likely. Others argued the other way and said that if you trade more, you will have a concurrent rise in human rights respect. And I think that was certainly sincere, but very much historically and present-day unfounded because it has grown its capabilities, militarily and other ways, with an economy that is booming while simultaneously repressing.

I will point out that I do think we have got to be sure that when we talk about religious freedom it is not just the freedom to worship—and I have included this in my opening comments—and in your answer, if you could address this. We all remember that the Soviets allowed certain churches and synagogues to stay open, where they very carefully circumscribed freedom to worship, but as Bishop Ramirez pointed out, it begins with the freedom to worship but it doesn't end there. Religious freedom, as he points out, covers a broad range of various activities, from freedom to worship to freedom of conscience, to right to establish schools and charities, and the right to participate and to seek influence in public affairs.

We know that schools in the Soviet Union became all state-run, and it seems to me that we need to be very aware that worship is the beginning, it is not the end. And in your answer, if you might want to touch on that, as to how that definition plays in CPC designations and the like.

But what are we going to do regarding China? It has deteriorated, it has gotten worse. We know that the number of deaths attributable to the torture for the Falun Gong and others continues unabated. I know that Bishop Su Zhimin of Guangdong Province, whom I met with in 1994, continues to the best of our knowledge to languish in some laogai somewhere, and there was even a report

that he was seen in a hospital, his face was puffed, presumably as a result of a beating. And this is a man who is in his high 80s, if not older. What threat does a man of that senior status pose to a dictatorship like China?

If you could speak to that, I would appreciate it.

And again, what is the action plan? Will we do something similar to what we have done with Vietnam, where there is a Memorandum of Understanding with that government so that some progress can be made?

And finally, again, not to overstate it, but in your testimony—I think it was in your testimony just now—you mentioned the fact that this is a core principle with the Chinese, talking human rights and talking religious freedom—it might have been in Michael Cromartie’s testimony. When I met with Frank Wolf and Li Peng years ago and raised the issue of human rights in general and then religious freedom in particular, he was very, very dismissive that a human rights dialogue has any place in a Chinese-United States relationship, that beginning with the Shanghai Declaration and other official declarations between the two countries, human rights were nowhere to be found. And it was very disturbing. It was as if it was an asterisk somewhere and a talking point with the State Department, but it was not on his sheet. And, I am wondering when that assertion is made that it is core to our relationship. Is it really? Do we really talk about it in a way that—I mean, will the President be speaking to it in a way that makes it central to the relationship, or is it just, “On page 4, see footnote?”

Ambassador HANFORD. Well, thank you, Mr. Chairman. And I remember from my 14 years of working on the Senate side watching you with admiration as you have long championed the cause for human rights in China.

I think we can rest very assured that the President will make this issue front and center on his trip, just as he has on previous trips. As people have said about President Bush, religious freedom is not a talking point, it is a breathing point. And he has addressed this issue in a major speech and so highlighted this issue on his first trip to China that it stunned officials. And I heard later that senior officials felt the need to be tutored in religion in order to be able to keep up with the emphasis that the President was putting on this.

This gives me great pride to serve a President who places this issue at such a high level. And I can tell you, I have been at the White House at an event totally unrelated to religious freedom and had the President come over and tell me about raising this issue with yet another Chinese official.

You mentioned Bishop Su. I have raised his case on my trips to China with the same concern. Where is this man? I have heard he is here, I have heard he is there. Why can’t we see him? And we continue to grieve over a number of prisoners.

The last several years have not been good years for religious freedom in China. There have been a number of arrests for—major arrests of groups of house churches this year. Catholic clergy that do not submit to the government-controlled denomination continue to face arrest and harassment and house arrest. The Tibetan Buddhists, of course, notoriously suffer, as do the Uighur Muslims

under this Communist regime. So there is a whole panoply of problems and issues.

You ask how do we advance religious freedom in this situation? And I have found that it takes vigilance, and we do it incrementally. For example, one of the issues which I emphasized on my first trip to China was religious education for minors. And I remember raising this in a large group that had members of all sorts of religions present. And I told them how important it was to me to be able to raise my children in my faith, that there was nothing really more important than that. And I saw the look on the various religious leaders, various different denominations and groups, that they understood and they respected that, and yet while you will see this happening in Beijing, it is not happening in many other regions in the country. So we pressed and pressed on this and finally this year we have gotten the government to come forward and declare that this is a nationwide policy, not just do it privately. Now, we have a long way to go. This is why this is an incremental process of pressing the government.

We have also pressed again and again for the freedom of unregistered groups to meet. This is true religious freedom. The government has now pledged that family and friends—it sounds like a telephone commercial, but friends and family can meet in homes and without government harassment. We can't tell at this point how large those groups can be, but again, this is the result of years of pushing on these sorts of issues.

USCIRF, the Commission on International Religious Freedom, will be able to testify today about their trip. This was one of the things which I demanded on my first trip to China, which I was promised on my second trip to China, and yet which took 3 years to occur. We have pressed for the rapporteur on religion to go. And there are just many issues where we press and press. We have secured this year the release of a prominent Muslim, Rebiya Kadeer. It took several years of pressing.

You talk about the human rights dialogue and the importance of that. We are committed and willing to reenter into a formal human rights dialogue with the Chinese Government. I have participated in this in my role as Ambassador-at-Large, and we hope to be able to resume these talks soon. And yet we have made it clear that until the UN rapporteur on torture is allowed to visit that we are holding off on doing these.

You ask about whether it might be possible to do an agreement as in the case of Vietnam. This is something which the International Religious Freedom Act emphasizes and encourages, and that is why I was pleased this year to negotiate the first such agreement under the act.

I wish I could tell you that I plan to do this with China. I don't see any hope for that in the near future. I felt like in the case of Vietnam that the issues were more specific and addressable. There was a clear number of prisoners that needed to be released, there was a clear need for a nationwide decree and policy banning forced renunciations of faith, there was a finite but large number of churches and other places of worship that needed to be reopened, there were clear identifiable issues.

In the case of China, the problems are more widespread and complicated. I am at the ready to pursue this, and I would very much welcome the chance to discuss this possibility with the Government of China. I do not see it as a high percentage shot. I don't think I will be placing my efforts there in the near future.

I may have forgotten a point or two you that you raised. Let me mention—

Mr. SMITH. Part of it was the definition, a very carefully circumscribed definition of religious freedom which would say it is only to worship, but everything else you dare not do under penalty of them coming down hard on you.

Ambassador HANFORD. That is an important issue. And I think the Chinese are beginning to recognize the value that religious groups can play across the social spectrum, and they have even told me that privately themselves. They see problems with youth just as we have problems here, and they have discerned a difference among religious youth, in some cases in terms of their ethics. So they are saying that they see a value to a society of minors being educated in the faith of their parents.

The new law of religion that has been promulgated this past year holds some promise, even in this area where charitable activities of this sort seem to be given the opportunity for greater possibilities. And there are other provisions of this new law which may allow for easier registration of religious groups. Nevertheless, there are other provisions of the law which concern us because they seem to allow the government to clearly have control over aspects of religious practice which were not so clear in the past and we fear may be used as a pretext for additional arrests.

On the issue that you raise, however, I think there is reason for hope that China is making progress.

Mr. SMITH. Let me ask you, why isn't it time now to go to a penalty phase? Seven years of dealing with the Chinese Government, would you agree with Mr. Cromartie's statement that it has deteriorated, it has gotten worse? So, in spite of every admonition and hope and expectation on our side, it has moved in the opposite direction. And as a matter of fact, as you pointed out, the regulations on religious affairs actually have a darker side to them and may actually be worse for the people of China rather than better.

Why not now? We prescribed in the law, as you know so well having helped write it, that a number of very specific penalties could be imposed. I think it is time.

Ambassador HANFORD. Right. I think the jury is still out on this new law. I do not think it represents the panacea or the paradigm shift that some in China claimed. Nevertheless, there are possibilities in terms of accountability of local officials to abide by government regulations that could allow for increased religious freedom. It is going to depend on the interpretation.

China currently faces a sanction under the International Religious Freedom Act. It involves the restriction of exports of crime control and detection instruments and equipment pursuant to the Foreign Relations Authorization Act. This sanction is double-headed, which is allowed under the International Religious Freedom Act, with another sanction that was imposed in part for human rights violations.

Mr. SMITH. Again, I would hope that other sanctions, perhaps in a rolling way, would be imposed because we have not gotten their attention. Based on my observations and all the reading and work we have done on this Subcommittee—we have had in excess of 20 hearings on human rights in the PRC over these 7 years since I have been Chairman—it is getting worse rather than better.

Ambassador HANFORD. Well, I commend you for that vigilance, and I will be privileged to be a part of any of these that you have.

Mr. SMITH. Let me ask you about Saudi Arabia, if I could. It received, as you know so well, a national security waiver last year, and now the clock is ticking with the 180 days. You know, Saudi Arabia, as we all know, is the heart of Wahhabism. I held hearings some time ago that looked at the textbook issue, and the fact that terrible hatred toward Jews and Christians and others is clearly stated in textbooks for young children. The Freedom House, Nina Shea, in her testimony, points out that the Saudi Ministry of Islamic Affairs explicitly asserts in publications Freedom House has acquired that those who convert from Islam and out of Islam should be killed. There is no doubt that on that is the epicenter of the hatred that then spreads throughout the Muslim world and is, obviously, a more radical version of Islamic belief. And as this Committee has over and over again, as we do even in China, trying to help the Uighurs, who are people of the Muslim persuasion, it is all about freedom and all are included. But when it comes to Wahhabism and it comes to Saudi Arabia, it is just the opposite.

Just to point out, parenthetically, that the priest that married my wife and I, who was the head chaplain during Operation Desert Shield/Desert Storm, was based in Saudi Arabia. He couldn't even wear the cross on his uniform. And, he told my wife and me story after story about how even when he wanted to celebrate mass for our soldiers, the Saudi Arabians would not permit it. It had to be advertised as a social event being held in a gym or some other place.

We know that for the Filipinos and others who are there in large number, many of them Catholic, they are very much discriminated against. And regrettably, in Saudi Arabia it is getting worse, not unlike China. I am wondering again here, why? Okay, the 180 days; hopefully, there can be some significant changes in progress, but frankly I am not holding my breath. We have seen in the past that the Saudi Government has been profoundly unresponsive. So, I am wondering what actions we are going to take. What kind of benchmarks are we looking at during this 180-day review period?

Ambassador HANFORD. Well, Mr. Chairman, as you know, my heart on this issue is always to look for the opportunity to advance religious freedom first. And in my judgment, I feel like there is a significant opportunity, and that is why I recommended to the Secretary of State that we exercise an option under the International Religious Freedom Act to grant—or to take a 180-day waiver, which is to further the purposes of the act. This is not a national interest waiver, but to further the purposes of the act.

And I may clarify, there has never been a waiver on action under the International Religious Freedom Act on Saudi Arabia before. Last year they did not get a national security waiver. We are doing this because we feel like the discussions that we are having—

Mr. SMITH. Yield 1 second. But nothing was done penalty phase-wise, or was there?

Ambassador HANFORD. No. This is the first—last year Saudi Arabia was designated. This now is the action that we are taking, which is only temporary, and we are taking it because I believe and others believe there is the real promise for significant progress. Now I may be disappointed in that, but my heart is always to try for that option first and foremost, and at the end of the day, if we can come away with significant progress, it will be worth, I believe, the delay.

You mentioned the textbook issue. This has deeply troubled me. The textbooks that Saudi children have been raised under have been incredibly inflammatory and hateful in many respects. I have raised this as I have traveled to Saudi Arabia and met with the minister of education and other officials, and Saudi officials who themselves now have suffered the consequences of this sort of hate, even with bombings and terrorism on their own soil, agree that this was a mistake and they are revising these textbooks.

When I was there, I think they revised 36 of the 66 or so major textbooks that are used. We are monitoring this, monitoring not only the revision, but to make sure the new textbooks are used, not just revised and sitting on the shelf. I believe Freedom House did a great service in finding that hate literature had been disseminated in this country, and of course in other countries as well.

This points to a very serious problem. I have discussed this with the Saudi Government very clearly. They are promising that this will not happen again and that this has not happened in recent months or very little in recent years, the last year or two.

But it points to a larger issue. There are imams who are funded by the Saudi Government, both at home and abroad, who still preach very hateful messages toward Muslims, other Muslims that are not Salafi or Wahhabi Muslims, and toward Christians and toward Jews and toward America, and this is tolerated more than it should be. The Saudi Government claims that they have fired over 1,000. In fact, they ran an ad on the local WTOP station to brag about this, they were so concerned to try to convey this to the United States audience. Yet our Government has even found that there were imams funded by the Saudis here in the United States that were preaching this sort of hateful material, and we have deported certain people who were guilty of this.

The Muttawa, the religious police, have been very aggressive. The Saudis have claimed they have retrained these by the thousands. I do think there has been a pullback in the aggressiveness of the Muttawa, and yet there are very significant cases that continue to occur.

So I think the issues you raise are extremely important because this is spreading a view of religion and a view of other religions that can foment hatred all over the world, and it is extremely important that we raise this issue at every opportunity. I can assure you that the President and the Secretary of State have both raised this with great concern.

Mr. SMITH. Let me just ask you on Vietnam, a few months ago we held a day-long hearing on human rights in Vietnam, or the lack of them, and one of the submissions that we received was from

Nam Linh. He is a Buddhist who talked about the repression in his country; obviously he could not make it here because he is suffering under that repression. As a result of that, he has now gotten a 7-year prison sentence. As a matter of fact, I have requested a visa. Dennis Curry and I and members of my staff want to go to Vietnam in early December on a human rights trip, in part to raise his case directly and hopefully to visit with him. Seven years for providing a couple of pages of testimony, written pages, to our Committee.

It is reminiscent of what happened to Father Lee, who, as you recall, provided testimony to the International Religious Freedom Commission and he got 15 years. Then in an act of benevolence they dropped it to 10 and went after his nephews and nieces, and then under great pressure, finally released him, although he is still, I think, looking over his shoulder.

It reminds me of the release-and-replace strategy that was often employed by the Soviet Union. When MFN focus came on Soviet Jews and others, it often would let a few out, but meanwhile it would send out its bullies to pick up a few more and torture them and mistreat them.

I would hope that as we look to see whether or not this agreement with Vietnam bears any fruit, that we would be looking very, very aggressively and focused with a lot of scrutiny on what is happening to the others. While it lets someone out over here, five others end up getting picked up.

If you could speak to that, I would appreciate it. I am very concerned that somebody who gave testimony to us, to Mr. Payne and I at our Committee, is now in prison for 7 years in Vietnam.

Ambassador HANFORD. I appreciate your compassionate concern for that gentleman, and I know it is not the first time someone who testified in this room has suffered, and I think it is the right thing to do, to follow up and do everything within your power, as we should, to secure this man's release.

In general, the plight of religious prisoners has improved in Vietnam. When I started in this work, virtually none were being released. I remember receiving promises on my first trip that Father Lee would soon receive something significant, and it took a while, and he got a 5-year reduction, and later another 5-year reduction, and we kept pressing and pressing, and finally he was released.

Now, the government, after much interaction and dialogue, has started including religious prisoners in their America necessities, and we have seen significant releases this year of people held for a very long period of time and various faiths, some of them very poignant, tragic cases, such as Father Lee, who suffered in prison.

So I think the trend is a good one. I think in general I would say that we don't have the problem that I agree we sometimes have in China, where you release one and arrest two. I don't think we see that pattern in Vietnam right now. I want to believe that the general trend is a positive one because when I began there was a very long list of prisoners that I presented on my first trip to Vietnam, in the dozens. Now, the number of prisoners would be less than a dozen and perhaps more like half a dozen. That is a very significant decrease. To be honest, far more success than I expected to have in this period of time.

So we are hoping that we can get that number down to zero, including the Buddhist gentleman you are talking about.

Mr. SMITH. Thank you.

Mr. Payne.

Mr. PAYNE. Thank you very much. Just a general question. Do you think that with what we have been doing with this Committee and with this legislation over the past number of years you see a general improvement? Is the glass half full or half empty? In general, if you could take the world, do you see more religious tolerance in general or do you see more repression?

Ambassador HANFORD. That is a great question. I think the positive thing I see is a greater consciousness of the importance of religious freedom that has occurred, not only here in the United States with the annual processes that we go through, but even in other parts of the world. I am invited to speak to EU groups and others, who are curious about this special emphasis that our Government places. Of course, I explain our heritage and why this issue means so much to American people and continues to today, as people flee to America, including many Muslims seeking religious freedom.

I am afraid that in terms of overall trends, I would be forced to point to a country here that is improving, a country here that is not improving, rather than saying that I believe that we are seeing an overall improvement in the world.

I think if I had to generalize, I would say that in Communist countries, with terrible exceptions like North Korea, Cuba, and some other countries, we have seen a slow improvement. China would also be an exception. But in cases like, I believe, Vietnam, Laos, we have seen improvements.

In other parts of the world there have been a rise in fundamentalism under certain conditions and we have had setbacks. In India this has occurred with Hinduism and a Hindutva movement. We now see the government moving back from this sort of emphasis and improvement.

In Sri Lanka, we have seen the rise of a Buddhist fundamentalism that has threatened certain laws that would be highly restrictive on religious freedom. In other parts of the world the rise of an intolerant and extremist Islam that is very harsh on religious minorities. So these are trends that continue to make our work very challenging.

Mr. PAYNE. Just dealing with China again, as the Chairman very vividly expressed, China continues to restrict religious practices, has to register places of worship, et cetera. It is kind of perplexing to me, because usually in areas where there has been limited opportunity, that when you have an opening of opportunity, you see a breaking down of religious or racial or gender discrimination.

In World War II, the United States had to meet the axis, not of evil, but Germany, Japan, and Italy, and so the President, Roosevelt, just did an Executive order. These other folks had been building up their war resources, we sort of lagging, and we just need to build ships and planes and so forth. So my father was hired down at Port North to build ships and so forth. Race did not mean anything. They needed manpower. Women were hired in defense plants.

Ambassador HANFORD. My father was on one of those ships.

Mr. PAYNE. My daddy made sure it floated. So everybody, we saw a lessening of superficial barriers of religion, of race and so forth.

Of course, when times get hard again, as I guess we are seeing in France, those barriers then tend to start to go up again, and if there is one job and there is a real Frenchman and a North African, generally the Frenchman will get the job. That is just the way it goes, even here in the United States when times get tough.

My question though is, in China things are improving, they are making everything in the world, talking about economically. Textiles, they have just almost obliterated a little opportunity in African countries of making textiles. They can't even come close to competing. China had a 1,800 percent increase in 1 month, in January, in trousers; 1,200 percent increase in shirts, and they were already delivering more than the whole world put together.

With this booming economy, General Motors is building their cars there because they don't have to worry about healthcare, they don't do healthcare in China, it is cheaper. Everything is going economically. Of course, I always get concerned about our policy with China. On the one hand we are concerned about their moving into Latin America and Brazil, they are investing, they are building plants and taking timber down. They are producing paper, they are taking minerals. In Africa they are going into every country and buying their resources.

On the one hand we have a love relationship with our industrial Chamber of Commerce folks. On the other hand, we have Secretary Rumsfeld saying we have got to watch them, because we think they are building too many submarines and so forth.

Your thing is tough enough without having to clarify that so-called policy.

Getting back to the point, it seems like when there is an explosion, it is unfortunate it has to be the economic wherewithal to make people change, because sometimes the rising tide does lift all ships.

Why do you believe, in your opinion, that China is just doing the reverse? It seems to me that it would be more liberalization. I understand that they liberalize in other places. I haven't been to Shanghai lately, but they say it is getting like it used to be in the old British days, eating places, clubs, bars and so on, on the one hand. But this whole thrust against people on religion. Do you have any rationale in your thinking of why this is going on?

Ambassador HANFORD. I believe that as China has liberalized in other areas, we have over the long term seen an improvement in human rights. But I am looking back and comparing to 10 or 20 years ago, the last 2 or 3 years have been a very discouraging period.

I think it comes down to the government wanting to control aspects of society, including aspects that cause citizens to coalesce around anything other than the Communist Party or entities which the government can't control.

Now, there are ways in which, or enclaves in which you see meaningful religious practice and a certain degree of religious freedom. You see in government-approved churches and mosques and temples some freedom and some meaningful freedom for people to practice their faith. In some provinces you see nonregistered groups

able to practice. In other regions, where the government fears any threat, I think there is just a great overreaction. Witness what we see in Tibet with the weaker Muslims, or certain regions where Catholic or Protestant house churches are particularly repressed. There is just an extreme overreaction.

I believe, from my experience in meeting with high-level Chinese officials, there is even a real misunderstanding of religion. I remember one very high-level official asking me one time, "What is the difference between Catholics and Protestants?" That is a legitimate question and even many Americans would ask that sort of question. Yet, at his level, I think that reflects a real difficulty in understanding the positive role that religion can play.

So I think our hope must be that the Chinese Government will, over time, realize that people of faith with very few exceptions pose no threat and instead offer one of the greatest hopes for building a strong civil society, humanitarian society.

I have the hope that that will come. It is just coming much more slowly and with many more people suffering in the process than I would have hoped for.

Mr. PAYNE. I agree with the Chairman that when we gave most-favored-nation status, which I voted against, it sounded too good, so they changed the name to normal trade relations, because we didn't want to look good to some bad guys, but we should have put some more stipulations. One, it shouldn't have been permanent. Can you imagine if they had to come before the Congress today and say, "We want to renew for the next 3 years normal trade relations"? Then we could ask, "Well, how are your normal religious relations going?"; and have them before us to testify about what is happening. I am sure that the mistake we made by giving them permanent trade relations, we could have achieved so much more just with a question or two. The dollar, sometimes it is that almighty dollar that people bend to.

One last question on China, and then I will go to one or two other quick questions. I, years ago from 1970 to 1973, was President of the YMCAs of the USA, the National President of the YMCA. I would be interested if you could have some research done. During the thirties and forties, twenties and thirties and forties, there was a tremendous YMCA movement in China. We had fraternal secretaries, they were called, in 50 or 60 places around China. The YMCA, which is basically nonsectarian, but it is primarily a Protestant movement. We all know about the YMCA.

I had a question about the confiscation of the YMCAs by the government in 1949 when the government took over and the People's Republic of China came in. I would be interested if records—and you might be able to contact the national YMCA, or I could—if there could be a question raised: One, if you could find out what is the status of those properties and whether YMCAs, Young Men's Christian Associations, are allowed in China and, if they are, are they really free? I would be interested if you could research that and get back to me.

Ambassador HANFORD. That would be my pleasure, Congressman Payne. I grew up in the YMCA myself in North Carolina and had stayed in the YMCA when I lived in Korea a while and was impressed with the even greater spiritual vibrancy that you find

sometimes overseas in the YMCAs. So that would be a pleasure to see what has happened.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE JOHN V. HANFORD III TO
QUESTION ASKED DURING THE HEARING BY THE HONORABLE DONALD M. PAYNE

The YMCA has a long tradition of service in China, dating back to 1885. After the Communist party took over China in 1949, many YMCA programs at local universities were cancelled and other programs were scaled back. From 1966-1982, the Cultural Revolution brought YMCA operations to a complete halt. During this period, the Government confiscated all YMCA properties. In 1982, the Government began allowing YMCAs to resume their activities. The Government has returned some confiscated properties to the YMCAs. Properties that were not returned were generally not compensated. Today, there are YMCA centers in Beijing, Tianjin, Shanghai, Nanjing, Hangzhou, Xi'an, Wuhan, Chengdu, Guangzhou and Xiamen. There are more than 1.5 million members of the YMCA in China and there are no restrictions upon who may join a YMCA. YMCAs in China focus mainly upon providing educational, recreational and social services including medical aid. Some YMCAs conduct summer camps for children. YMCAs have close ties to the Chinese Christian Church/Three Self Patriotic Movement.

Ambassador HANFORD. Let me make one other comment in connection with your earlier question. I think there is an opportunity for all of us to press the business community as they now have these new entrees into China to press the government with the leverage that they have to grant greater religious freedom, if for no one else, for their employees. This is something I hope to do more of.

There have been a few prominent businessmen who have stepped forward and had the guts to do this, John Cann being one. I think if there were many more like him, we would see greater progress.

Mr. PAYNE. Let me just quickly get to the Soviet Union. We have seen, according to the report, that there seems to be growing anti-Semitism there, where there were more reports of anti-Semitism in the first 4 months of this year than in the entire 2003. I wonder, although the government condemns it, have they arrested anyone? Have they really tried to protect synagogues? Have they really gone after people?

We saw in perestroika and glasnost that even under the old system they did start to allow Jewish people to emigrate to Israel. But I wonder if there is some real activity on the part of the Soviet—of the Russian Government to stem this anti-Semitism?

Ambassador HANFORD. We are raising a number of issues of religious concern with the Russian Government, but certainly anti-Semitism is prominent on the list. I would say—although conditions for Jews have improved over recent history, mostly because at the central government level there is no longer state support of anti-Semitism, and in fact there are strong statements discouraging it—incidents of anti-Semitism, including violent ones, continue to occur, sometimes with increased frequency. You are right, in Moscow alone this year we are already at a point—in the first several months we were already at a point where there have been more violent attacks than in the previous year. Also there are discouraging cases even where members of the Duma have signed on to antiemitic messages. So this will be an issue that we continue to vigilantly work on.

Mr. PAYNE. I wish this hearing was a week or so ago, because we had the Duma here with a parliamentary meeting and intend

to meet with them 6 months from now. So if I do go to that meeting, I will certainly have that high on the agenda.

The last question regarding Africa, the Government of Sudan has a terrible record, and I wonder, in your view, has the Government of Sudan taken any steps over the past year to improve its record on religious freedom? The United States, certainly we all have accused them of what has happened in Darfur. Is there any pressure being brought to bear from a religious standpoint? As we know, we are from a political standpoint.

Then I have one last question.

Ambassador HANFORD. Well, as we have stated before, the resolution of the conflict in Darfur will definitely be a prerequisite to normalizing relations. But in terms of religious freedom, I think the promise stands with the Comprehensive Peace Agreement, which provides important hard-won progress. The Constitution, the new Constitution, states that legislation in the North shall have as its source sharia and the consensus of the people, but with the exception of Khartoum, where Christians and others will not be subjected to sharia. Legislation applicable to the south of Sudan shall have as its source popular consensus, the values and the customs of the people of Sudan, including their traditions and religious beliefs.

So this is a marked improvement over a situation where the Government of Sudan was determined to impose sharia law upon the whole nation.

Mr. PAYNE. We have about three or four in disputed areas, like the Upper Nile, where, if they get control, then they will be able to impose sharia when the people in those areas are really not Muslim.

Just finally, once again I raise the issue about Eritrea. The State Department says that the government has refused to provide the names. I wonder if the United States Government—like in China years ago, when they were anxious to show that they were doing the right thing, we would present them with a list and they would look at the list and many times we did see the release of those folks.

Has the State Department asked the Government of Eritrea, given them a list of people, since they deny that they have detained people by virtue of this religious question, and the Government of Eritrea claims that a number of Jehovah's Witnesses are denied trading licenses and government posts because of refusal of national service. In Eritrea one has to donate a service, and these are internal in the country. So over 200 people currently are in prison. Do you know how many are Jehovah's Witnesses and are those that are not in prison allowed to practice their faith?

Ambassador HANFORD. That is a very good question about whether we have provided names. We have provided some names to the government, and the retort continues to be, "We have no religious prisoners." This has been one of the most frustrating experiences in my entire career. I view my role as a diplomat. My job is to try to see problems of religious freedom solved and to work hard to that end. I view it and I have conveyed this to them as somewhat of a personal failure when I have to come to the point of imposing or recommending that sanctions be imposed upon a country.

But that time comes, and especially with a government that persistently denies that there are any problems, any religious prisoners, that everyone has freedom of religion. I ask then, "Why is it that so many churches are boarded up, even in the capital city?" They don't seem to be able to have an answer for that.

People live in fear in Eritrea. They live in fear even of their names being handed over, because the government has been guilty of terrible torture, they have been guilty of rounding up family members when attention is drawn to that family or other members of the same denomination. We have provided names, however, in some cases.

The fact of the matter is that we know that they know that there are religious prisoners, and at this point we think the number may be as high as 1,600.

Mr. PAYNE. Thank you very much. Let me just conclude by saying that, as you know, last year I even raised the question that they are the only country sanctioned when we have beheadings in Saudi Arabia, and religious discrimination is wrong anywhere. One person in prison is too many. I think we need to have a level playing field.

The President points out that, yes, they have questioned some as in their mind being religion. However, Islam is allowed. Christianity, they said for 2,000 years we have had Christianity, and for at least 1,000 years Christianity and Islam, it is still flourishing. There is no discrimination to Jews in Eritrea. So they point to these things, where in other places they restrict—Jewish people cannot put up their Star of David. Christians cannot put up a cross.

So I think what is happening in Eritrea is wrong. However, once again if we had some way to lift everybody to the same level, I would feel much more comfortable about the sanctions that we do and do not do.

Thank you, Mr. Chairman.

Ambassador HANFORD. Let me respond quickly. I think that is a valid point, and it is a strange position to be in, to in some way defend a comparison with Saudi Arabia, because their legal structure is as restrictive of religious freedom as any in the world, with the exception perhaps of North Korea. Yet interestingly there are far fewer, by many orders of magnitude, religious prisoners, and the instance of torture and brutality doesn't compare with what we find in Eritrea.

I am baffled. I am baffled by a lot of things with the leadership of Eritrea. But I am baffled as to why they have targeted peaceful religious believers. I attended church where there is a wonderful Eritrean woman who fought in the bush for 13 or 14 years, gave up her youth to fight for independence in Eritrea, and she and so many others say this is not what we fought for, to have thousands or hundreds of people locked up and put in shipping containers in the desert and even tortured.

So I think the brutality, the level of brutality is, I would say, on a per capita basis among the worst in the world.

Mr. SMITH. Let me just say that for the record, since we will be moving momentarily to our next panel, I am sure Mr. Payne and other Members of Committee have many other questions. Just be-

cause it has not been posed does not in any way reflect a lack of concern, whether it be Iran, Burma, North Korea, or Russia or some of the other countries where more specific questions were going to be asked.

But let me just ask, if I could, a couple of very final questions. Cuba last month issued new harsh regulations about people meeting in their homes for religious belief. A couple of years ago, you might recall, and I know you know, about 75 of the best and brightest and bravest in Cuba were rounded up and got 20-, 25-, 27-year prison sentences: People in the Varela Project, librarians. Dr. Oscar Bichet, an Afro-Cuban who is an OB-GYN, an outstanding leader in the human rights movement, 25-plus years for him. So there has been this tightening in Cuba, and now we see that even house church or house meetings for religious meetings just a month ago were named as violations of Cuban law.

On Uzbekistan, we know that Karimov has in no way provided any kind of insight or investigation into Andijan. We know that he has many pious Muslims that he is holding. Protestant churches continue to suffer very intense harassment. Even we were kicked out of K-2, where there was some collaboration on the war on terrorism. It would appear, based on the record, that Uzbekistan ought to be a country of particular concern. You might want to speak to that as well.

Finally, one of our witnesses, a man I have known for almost 30 years, Larry Uzzell, an expert on religious freedom, has some, I think, constructive criticism, and I would appreciate your reaction to it. He points out that the first flaw in the State Department report is that it places too much emphasis on cataloging facts, including individual cases of oppression, but too little emphasis on analyzing the causes, trends and overall patterns behind those facts. He says all too often, it lists individual trees, but misses the forest.

He also points out, and I would appreciate your reaction to this, that the report flunks what ought to be a basic test of U.S. diplomatic efforts. He asks, "Is the U.S. Government truly working for religious freedom for all believers?" and cites a number of examples of indigenous churches and groups that don't get the kind of attention that they ought, including in Russia, as Mr. Payne was talking about. There are some very serious problems there. But he also has one in Turkmenistan, where he talks about the Armenian Apostolic Church, a long-standing church, and yet it is severely repressed.

How do you respond to those criticisms, and, again, if you could touch on Uzbekistan and Cuba?

Ambassador HANFORD. Sure. Taking the last issue, the report is close to 800 pages long and requires an extraordinary amount of work. Having been the person who created this report, had the idea for it, put it in legislation, I am very pleased and in fact surprised. I am honestly surprised at how good it has turned out to be. I didn't think it would ever be this comprehensive. So I want to give the State Department, even before I was there, a lot of credit for that. But, needless to say, it is always going to miss things, and we always welcome criticism, and we try to respond to those criticisms where we have missed things and can improve.

There is an interesting trade-off that I even struggle with myself. Increasing reports are laid upon our human rights officers around

the world. I think some reports, I would say that an interesting consequence of the international religious freedom report is it requires our human rights officers to maintain constant vigilance on the issue of religious freedom. That is a great byproduct. But if we keep placing report upon report upon report, I have become increasingly sympathetic to the officers' claims that this forces them to stay at their desk and computer within the U.S. Embassy and not get out and meet with suffering people. So it is tough to find that balance.

I think there are perhaps ways we could reformat the report. We try to be very comprehensive. There are things that people would like for us to do that really are not what is envisioned in the report that should be left to others, to scholars and others.

We just simply are not there to be a think-tank. We are there to be the gold standard as best we can on the facts and let others draw connections and talk about themes and the like. I think it is asking a little too much of human rights officers to make theological reflections. For example, we might get more trouble than we want. Nevertheless, keep those recommendations coming.

On Andijan, we are disturbed that the government has just sentenced a group of people, we think unfairly, without due process. We have spoken out about this and we will continue to. We are joining with our friends in Europe, Canada and elsewhere in condemning the lack of attention that has been given, the lack of international access that has been given to getting to the bottom of how the government responded to and in some cases massacred groups of people.

In the case of Cuba, there continue to be very serious problems. I remember when I visited there the way in which there are neighborhood monitoring groups all over the country, and this issue you raise of prohibiting meetings in homes and the like has been a problem for a long, long time, and it sort of ebbs and flows in terms of how much freedom is given for this. But the amount of pressure at times can be surprising.

One of the ones that I find most poignant is the pressure that the government has placed on the wives of political prisoners, where they are told that they will be arrested if they join with others in worship at a mass at Havana's Santa Rita Catholic Church. Ministry of Interior officers reportedly show up at these services and sit near spouses of political prisoners in order to intimidate them to not go to mass. And then to take it one step further, they will wind up only allowing these wives access to talk to their husbands during church service times on Sunday, yet again to keep them from being able to worship.

So, these sorts of stunts, these sorts of problems, are typical, not only for Catholics, but for others.

Mr. SMITH. Let me just conclude. Last January, I went with some of my colleagues to the tsunami-ravaged areas, and part of that trip included Sri Lanka. We met with the prime minister and I raised the issues of the anti-conversion laws, and I was assured that they were dead letters, they weren't going anywhere.

We now know that the JHU Party, the government, has introduced a Draconian anti-conversion law. The government has its version that looks like it would incarcerate those who convert, and

there is also an attempt to make Buddhist worship into the national religion.

If Sri Lanka indeed passes this legislation, would that be sufficient to trigger CPC status, and what are we doing in the meantime to try to avoid such a Draconian new act of its Parliament?

Ambassador HANFORD. First, to highlight the importance of this, there is no country in the world that currently has on a nationwide basis an anti-conversion law, and we have stressed this with Sri Lanka, that this would be a terrible step, putting them in a category all by themselves. Now, there are, one could argue, Muslim countries that de facto have a policy such as this. But this would be a terrible step, and I have had many meetings on this and we have devoted a lot of attention to it.

We have received assurances that these pieces of legislation will not move forward. I have asked why it is that the government-sponsored bill is even worse than the JHU-sponsored bill, and have not yet received a satisfactory explanation for that. But we will continue to press on this.

My own honest belief is that most Sri Lankans do not support this sort of an intolerant policy and that most members of Parliament would dread the day that they would find themselves having to vote on this. I hope that it will never come to a vote. I think that is the case. If it does, let us hope and pray that it will be voted down.

Mr. SMITH. Mr. Payne, anything further?

Mr. PAYNE. I will wait until the next witness. I would like to ask—you are official, but I will ask Dr. Cromartie.

Mr. SMITH. Ambassador, thank you again. We look forward to working with you going forward.

I would like to now welcome to the witness table Michael Cromartie, who is the Chair of the Commission on International Religious Freedom and is Vice President of the Ethics and Public Policy Center in Washington, DC, where he directs the Evangelicals in Civic Life Program and the Media and Religion Program.

Mr. Cromartie has contributed book reviews and articles to several publications, including *First Things*, *Christianity Today* and *The World*. He is the editor of 12 books on religion and politics, including most recently, *A Public Faith: Evangelicals and Civic Engagement*. He is the host of Radio America's weekly show, "Faith and Life," and serves as an adjunct professor at Reformed Theological Seminary.

Please proceed as you would like.

STATEMENT OF MICHAEL CROMARTIE, PH.D., CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. CROMARTIE. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Subcommittee, let me begin by thanking you for the opportunity to testify today at this important hearing. I plan to summarize the commission's testimony in my oral remarks, but I would like to request that my full written statement be included in the record.

The State Department's *Annual Report on International Religious Freedom* and the work of our commission demonstrate that

religious freedom concerns cut across the full swath of critical issues in American foreign policy. As President Bush recently said, "When the United States promotes religious freedom, it is promoting the spread of democracy." I would also add that the United States is also promoting universal values as enshrined in international human rights norms.

The release of the annual report provides an opportunity to address some of the important challenges we face in doing so. I will focus here on our concerns about Iraq and China, with a few comments on the State Department's countries of particular concern as well as the recently released 2005 annual report.

Let me begin with Iraq. As Iraqis prepare for another round of elections in their historic transition from tyranny to democracy, the commission's focus on the institutional dimension of the right to religious freedom and on securing the individual right to freedom of religion or belief for every Iraqi is more critical than ever.

Iraq's new Constitution, approved by 79 percent of the voters in last month's referendum, incorporates positive provisions related to human rights protections, including constructive language on religious freedom. However, several of the articles are written in vague and ambiguous terms, resulting in a Constitution that sets out two potentially disparate visions for Iraq.

The first vision proclaims a country that respects fundamental freedoms and democratic principles. However, the second lays out the foundation for a country in which Islamic law could be used to trump these freedoms. For example, the Constitution states that Islam is a basic source of legislation and no law can contradict Islam's established principles. The Constitution also allows for the appointment to Iraq's highest court of experts in Islamic jurisprudence who need not have any training in civil law or other relevant subjects.

The need to continue to press for these human rights protections in the Constitution is reinforced by an ongoing stream of violence and extremism driven by religious intolerance. During this past year, thousands of Chaldo-Assyrians and other members of Iraq's indigenous non-Muslim religious minorities have fled the country out of fear of persecution. There have been numerous reports of violence, including murder, directed especially against women and others in an extrajudicial effort to impose an extremist version of Islamic law that violates international human rights standards. Places of worship and religious clerics alike have been the target of insurgent attacks. These attacks have had a detrimental impact on the ability of all religious groups in Iraq, including Shia and Sunni Muslims to worship freely.

Let me highlight a couple of our recommendations on Iraq. First, the commission has recommended that a high-level human rights official, reporting directly to the Ambassador, be stationed within Embassy Baghdad to advance human rights, including religious freedom, as a key United States policy objective. Designating a high-level official demonstrates support for Iraqi efforts to make human rights a high priority issue. Recently we learned that the Science, State, Justice, Commerce and related agencies conference report includes report language supporting this recommendation,

and the commission hopes that the Department of State will implement this recommendation in a timely manner.

Second, the United States should encourage a robust discussion during the upcoming election campaign of how candidates would seek to implement the permanent Constitution's provisions on the role of Islam and at the same time implement protections for human rights.

Third, following the elections, the new legislature will begin to consider how to implement the no less than 50 provisions in Iraq's Constitution that require enabling legislation. This represents a window of opportunity for the United States and the international community. The U.S. Agency for International Development should be granted specific authority to undertake rule of law programs focused on those pieces of enabling legislation related to human rights issues.

In August 2005, the commission traveled to China to engage senior officials responsible for the management of religious affairs and the protection of human rights in China and meet with representatives of China's government-approved religious communities.

Mr. Chairman, it is the commission's assessment that the scope of political openness, public activism, and civil and individual freedoms is narrowing in China. China is in the midst of a crackdown on public opinion and public dissent that has included religious leaders and their communities. Moreover, the Communist Party's recent campaigns to "halt foreign influence, to stamp out evil cults and to strike hard against ethnic separatism and religious extremism" have caused an atmosphere of fear and uncertainty among China's religious communities and has occasioned some of the country's most brutal human rights abuses.

Mr. Chairman, all of China's religious communities live in the long shadow of the Communist Party. Various government agencies maintain final authority over the leadership, the financial and the doctrinal positions of the five government-sanctioned religious bodies, Buddhist, Daoist, Protestant, Catholic, and Muslim.

Religious groups must submit to government monitoring of their activities and the approval of many common religious activities. Religious groups must also accept restrictions on what doctrines and traditions can be conveyed and taught.

Because unregistered religious activity is illegal under Chinese law, members of such groups are actively targeted for harassment, detention and arrest. Since March, there have been three large scale raids on unregistered Protestant churches. In addition, there are reports that two underground Catholic priests were arrested just last month in the city of Wenshou in eastern China.

Tibetan Buddhists and Uighur Muslims face serious and ongoing restrictions. Muslim imams and Tibetan monks and nuns are required to be vetted for their political loyalty. All religious publications are controlled. There are severe restrictions on religious celebrations and religious education of minors, and there are tight restrictions on the number of religious venues and religious leaders.

Given the continuing critical human rights problems in China, the commission concludes that these concerns must be raised at the highest levels and that United States officials should provide a consistent, candid and coordinated message about human rights, in-

cluding religious freedom, in their interactions with Chinese officials.

To this end, the commission has recommendations for United States policy to strengthen protection of human rights in China, and with your permission, Mr. Chairman, we would like to add those recommendations to the record.

[The information referred to follows:]

RECOMMENDATIONS TO ADVANCE U.S. HUMAN RIGHTS DIPLOMACY WITH CHINA

I. Ending Human Rights Abuses in China

1. The U.S. government should urge the Chinese government to end severe violations of religious freedom and other human rights.

To this end, the U.S. government should urge the Chinese government to:

- end its current crackdown on religious and spiritual groups throughout China, including harassment, surveillance, arrest, and detention of persons on account of their manifestation of religion or belief; the detention, torture, and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement; and the coercion of individuals to renounce or condemn any religion or belief;
- release all those imprisoned or detained on account of their manifestation of religious belief in contravention of international human rights standards; and
- establish a mechanism for reviewing cases of persons detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities. This mechanism should also review cases of detained or imprisoned religious leaders, many of whom have been charged with specious criminal offenses.

2. The U.S. government should raise publicly concerns about Chinese human rights abuses in multilateral fora, including, at appropriate UN bodies or other international and multi-national fora, and ensure that preparations for such actions be made at appropriately high levels.

3. The U.S. government should fully implement the March 2005 bilateral agreement between the Chinese Ministry of Foreign Affairs and the U.S. Department of State.

To this end, the U.S. government should urge the Chinese government to:

- issue a national decree guaranteeing the right of minor children to manifest their religion or belief and the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;
- undertake measures to ensure that this decree is implemented fully and fairly in all regions of the country and among members of all religious groups;

- provide a clear definition of “religious gatherings at home,” including the circumstances under which such gatherings are required to register as religious venues; and

- determine dates for a visit to China by the new UN Special Rapporteur on Freedom of Religion or Belief, in accordance with the terms of reference required by the Special Rapporteur.

II. **Building on Existing Efforts to Improve the Rule of Law in China**

4. The U.S. government should make the promotion of the rule of law a greater priority of U.S. human rights diplomacy in China.

To this end, the U.S. government should continue to urge the Chinese government to:

- ratify and implement the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998;

- amend or repeal Article 306 of the Criminal Procedure Code, which has been used against attorneys who have vigorously defended the rights of their clients;

- amend or repeal Article 111 of the Criminal Procedure Code, which labels as “state secrets” any published information deemed embarrassing to the government, and raise the issue of China’s use of “state security” as a rationale for suppressing dissent in bilateral and multilateral discussion;

- investigate allegations of abuses of power by law enforcement officials and the use of torture to extract confessions in criminal cases, including the cases raised by the Commission with the Ministry of Justice and the Ministry of Foreign Affairs, report publicly on the results of the investigations, and punish those found responsible for such abuses; and

- end the use of government filters on Web sites and e-mail and remove official restrictions on Internet message boards and text messaging, including blockage of access to certain Web sites related to religion, belief, or human rights; revise the September 2000 State Council regulations on Internet Content Providers (ICP) and offer ICP’s clear and consistent guidelines for Web site content and usage to ensure that Chinese law and practice in this area conform to international standards on the freedoms of opinion and expression.

5. The U.S. government should appoint a new Counselor for Human Rights and the Rule of Law at the U.S. Embassy in Beijing.

China’s leadership has publicly committed to ratify the ICCPR and carry out legal and other reforms to enhance the rule of law in China. In order to support these goals and to manage the growing number of rule of law programs funded by the U.S. government, a new permanent Counselor for Human Rights and Rule of Law should be established at the U.S. Embassy in Beijing. This individual would identify and

oversee projects that seek to enhance judicial independence; promote human rights awareness among the Chinese people; monitor direct elections at the village level; support judicial, legal, administrative, and regulatory reform in the areas of human rights, including freedom of religion; promote citizen participation in local government and civil society; and provide technical assistance to Chinese lawyers and officials to promote understanding of international human rights norms. The Counselor would also ensure that U.S.-funded 21 rule of law programs advance the priorities of U.S. human rights diplomacy, including the promotion of religious freedom, with China.

6. The U.S. government should vigorously promote international human rights norms in legal reform and religious affairs.

Because the Chinese government has publicly committed to promote the rule of law in the areas of criminal procedure and religious affairs and to review its laws and consider legal reforms as necessary to ratify the ICCPR, the U.S. government should support and encourage a wider and more effective array of activities in this area, including:

- programs with U.S. human rights experts and Chinese government officials, academics, representatives of religious communities, and non-governmental organizations on international standards relating to the right of freedom of religion or belief, and the importance and benefits of upholding human rights, including freedom of thought, conscience, and religion or belief;
- programs with international human rights experts and Chinese scholars, judges, attorneys, and government officials on reforms to the Chinese criminal justice system, including planned changes in the criminal procedure code, the role of defense lawyers, and international norms on criminal justice standards; and
- consultations between international human rights experts and Chinese officials and others on the compatibility of Chinese laws, regulations, and practices with ICCPR standards on freedom of religion or belief. These consultations should occur within the 2006 calendar year.

7. The U.S. Congress should authorize the State Department's Human Rights and Democracy Fund to initiate new human rights and rule of law programs on freedom of religion or belief, targeting both religious and ethnic minorities.

Authorizations should be commensurate with ongoing rule of law programs funded by the State Department regarding the rights of Chinese workers, women, and public interest law training. In formulating all such programs described in recommendations 6 and 7, the Administration should consult with the Commission and with the Ambassador at Large for International Religious Freedom.

III. Strengthening International Coordination for Technical Assistance Programs

8. The U.S. government should encourage international coordination of internationally funded technical assistance programs in China.

Mirroring coordination efforts of countries engaged in bilateral human rights dialogues with China, the State Department should organize regular meetings of the approximately 15 donor countries that currently fund technical assistance, rule of law, and economic development programs in China in order to coordinate programs already in place, share “best practices,” and to ensure that programs advance 1) Chinese compliance with its international human rights commitments, and 2) the objectives of the bilateral and multilateral human rights initiatives with China.

IV. Expanding U.S. Outreach and Public Diplomacy in Tibet and Xinjiang

9. The U.S. government should work to increase the U.S. diplomatic presence in Tibet and Xinjiang.

The U.S. government should urge the Chinese government to allow a U.S. government presence, such as a consulate, in Lhasa, Tibet and Urumqi, Xinjiang to monitor religious freedom and other human rights conditions.

10. The U.S. government should strengthen its efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists.

The U.S. government should continue to raise the profile of the conditions experienced by Uighur Muslims and Tibetan Buddhists by:

- addressing religious freedom and other human rights concerns in bilateral discussions;
- increasing the number of educational opportunities in the United States that are available to religious and other leaders from these regions, in order to enhance their understanding of religious freedom and other human rights according to international standards;
- creating legal clinics to assist those in areas of high concentrations of Uighur Muslim and Tibetan Buddhist populations to enforce their human rights under the Chinese Constitution and international law, building on existing programs that serve other ethnic minority areas in China;
- expanding ongoing assistance to civil society programs that promote Tibetan culture, language, and social welfare and develop similar programs for Uighurs;
- increasing the number and frequency of broadcasts in the Tibetan and Uighur languages by the Voice of America and Radio Free Asia; and
- using official U.S. delegations traveling in the region and other means to disseminate among local populations documents on international human rights standards in local languages.

V. Enhancing the U.S.-China Bilateral Human Rights Dialogue

11. The U.S. Congress should ensure that congressional oversight of U.S.-China Bilateral Human Rights Dialogue is maintained.

Because the U.S.-China bilateral dialogue has been criticized in the past for not producing sufficient concrete results, the U.S. Congress should require the State Department to submit an annual public report to the appropriate congressional committees detailing issues discussed at the previous year's U.S.-China human rights dialogue and describing progress made toward a series of "benchmarks" specified by Congress.

VI. Addressing the Conditions of North Koreans in China

12. The U.S. government should continue to urge the Chinese government to protect North Koreans in China.

To this end, the U.S. government should urge the Chinese government to:

uphold its international obligations to protect asylum seekers by (1) working with the United Nations High Commissioner for Refugees (UNHCR) to establish a mechanism to confer at least temporary asylum on those seeking such protection; (2) providing the UNHCR with unrestricted access to interview North Korean nationals in China; and (3) ensuring that any migrants who are being returned pursuant to any bilateral agreement are not potential asylum seekers refouled in violation of China's obligations under the 1951 Refugee Convention and its 1967 Protocol;

- grant legal residence to the North Korean spouses of Chinese citizens and their children; and

- allow international humanitarian organizations greater access to North Koreans in China to address growing social problems experienced by this vulnerable population, including child and sexual trafficking and forced labor.

13. The U.S. government should place a higher priority on working with China and other countries in the region to provide safe haven, secure transit, and clear resettlement procedures for North Koreans.

14. The Department of State and the Department of Homeland Security should work with China, South Korea, and other countries in the region to resolve quickly the remaining technical and legal issues surrounding the resettlement of North Koreans in the United States and other countries.

Mr. CROMARTIE. Now, concerning the CPC list, the commission welcomes the continued designation by Secretary of State Condoleezza Rice of Burma, China, Iran, North Korea, and Sudan as CPCs. We also welcome the fact that Eritrea, Saudi Arabia, and Vietnam were once again named, as there has been no developments in the past year in any of those countries to warrant their removal from the CPC list.

At the same time, information in this year's annual report makes clear that three other countries merit CPC status in addition to those that have been previously named by the Secretary of State. The commission finds that the Governments of Pakistan, Turkmenistan, and Uzbekistan persist in engaging in or tolerating particularly severe violations of religious freedom and the commission regrets that they were once again not designated as CPCs this year.

The omission of Turkmenistan and Uzbekistan from the CPC list is particularly troubling and a discredit to Congress' intent in passing IRFA. In addition to severe government restrictions that effectively leave most, if not all, religious activity under strict and often arbitrary state control, Turkmen President Niyazov's ever-escalating personality cult has become a quasi-religion to which the Turkmen population is forced to adhere.

The Government of Uzbekistan places restrictions on religious practice and continues to crack down harshly on individuals and groups that operate outside of government controlled religious organizations. The Ambassador-at-Large and the State Department has for years attempted to engage the governments of these two countries in an effort to seek improvements; however, the response has been extremely limited. In the face of severe religious freedom violations perpetrated by the Turkmen and Uzbek Governments, the continued failure to name them as CPCs undermines the spirit and letter of IRFA. More details about the conditions in these countries can be found in my written testimony.

Now, on the subject of Turkmenistan, I would like to point out that the country report on Turkmenistan in this year's religious freedom report is one of the most troubling in the entire report, not least because it makes the startling claim that "the status of government respect for religious freedom improved during the period covered by this report."

Mr. Chairman, this conclusion is regarded as erroneous, not only by the commission, but by most human rights organizations and other observers of Turkmenistan. Indeed, a number of United States and international human rights organizations have submitted statements to this hearing expressing their strong objection to the report's assessment of the situation in Turkmenistan.

The commission would like to note the recent introduction by Chairman Smith of legislation highlighting the political and human rights challenges facing the five countries in Central Asia. This legislation reflects long-standing commission recommendations that United States assistance to the Governments of Turkmenistan and Uzbekistan be linked more closely to the protection of religious freedom and that efforts continue to be made to support non-governmental actors seeking to promote democracy and human rights.

Now, on Saudi Arabia. Last year the Department of State for the first time named Eritrea, Saudi Arabia, and Vietnam as CPCs. Though the response came well past the March 15th deadline, the commission welcomed the State Department's announcement on September 23 of decisions on these three serious religious freedom violators in fulfillment of statutory obligations under IRFA.

Concerning Vietnam and Eritrea, on Vietnam the State Department referred to last May's conclusion of a binding agreement with the Vietnamese Government to work toward improvements in religious freedom conditions in that country. However, it remains to be seen if the promises made in the agreement will be met with measurable and durable improvements, not least because reports indicate that serious religious freedom violations persist in that country.

In response to religious freedom violations perpetrated by the Government of Eritrea, the State Department announced the denial of commercial export of certain defense articles to Eritrea. Despite efforts by the United States Government to engage the Government of Eritrea, the already poor religious situation there has deteriorated in the past year and the commission believes that the imposition of export controls demonstrates the seriousness with which the United States views the violations being perpetrated by the Eritrean Government.

Now, last year the commission applauded the long-awaited September 2004 CPC designation of Saudi Arabia, a country where, as the State Department itself has noted, religious freedom simply does not exist. In September 2005, fully 1 year after that CPC designation and with no ascertainable human rights progress in Saudi Arabia over the intervening year, the Secretary of State authorized a 180-day waiver of action "in order to allow additional time for the continuation of discussions leading to progress on important religious freedom issues," yet the pattern of punishment and abuse by Saudi authorities of non-Muslim foreign residents for private religious practice has in fact increased since early 2005.

In the absence of real progress in Saudi Arabia over the past year, the commission believes that the United States Government should use the 180-day extension to engage the Saudi Government directly to achieve demonstrable progress by the end of that period of time. If, however, no progress on religious freedom is seen after the 180-day period has ended, the U.S. Government must not hesitate in taking aggressive action, and the commission has made several specific recommendations in this regard.

Mr. Chairman, I would like to say about the annual report on the whole, Ambassador Hanford has reason to be proud of this report. As in the past, many of the individual country reports in the 2005 report are excellent, they are thorough and they are accurate. However, the commission is concerned about a number of troubling conclusions in several important reports. Details about specific country reports can be found in my written testimony.

An often overlooked section of the report concerns the U.S. refugee program and training on religious freedom for refugee adjudicators. The importance of such training has been underscored by recent positions advanced by the Department of Justice and ini-

tially adopted by the Federal Court of Appeals for the Fifth Circuit in the case of *Li v. Gonzales*.

The *Li* case involved a Chinese Christian who claimed persecution, including arrest, detention, beatings, loss of employment, and forced labor for organizing an unregistered church. An immigration judge granted the asylum seeker protection from removal, but the Board of Immigration Appeals reversed the decision and ordered that Mr. Li be removed back to China.

The commission wrote the Department of Justice to make it clear that the United States' foreign policy has long maintained that China's control over registered churches and its prosecution of individuals like Mr. Li for engaging in unauthorized religious activity are clear violations of international law. We are pleased that the Department of Justice and the Department of Homeland Security were receptive to the commission's concerns, and the Fifth Circuit subsequently vacated its original decisions.

We urge that the Departments of Homeland Security, Justice, and State better coordinate their efforts to ensure that legal positions on asylum, which are advanced in court by these agencies, do not undermine long-standing positions of the United States on international human rights.

Now, Mr. Chairman, in conclusion, let me note that at 3 o'clock this afternoon in the presence of yourself and other Members of Congress, the commission will release a report on conditions for freedom of religion or belief in North Korea, relating the first-hand experiences of dozens of North Koreans.

The report was authored by human rights expert David Hawk and describes severe violations of human rights, including the extent to which the regime attempts to control the very thoughts and beliefs of the North Korean people. Everyone in the room is invited to that 3 o'clock press conference.

Thank you again, Mr. Chairman, for holding this important hearing and inviting the commission to testify. I am happy to answer any questions you may have regarding my written or oral comments.

[The prepared statement of Mr. Cromartie follows:]

PREPARED STATEMENT OF MICHAEL CROMARTIE, PH.D., CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. Chairman and distinguished Members of the Subcommittee, let me begin by thanking you for the opportunity to testify today at this important hearing. I plan to summarize the Commission's testimony in my oral remarks, but would like to request that my full written statement be included in the record.

The State Department's *Annual Report on International Religious Freedom* and the work of our Commission demonstrate that religious freedom concerns cut across the full swath of critical issues in American foreign policy. From constitutional developments in Iraq, to the propagation and export of religious extremist ideology by Saudi Arabia, to the persistence of religious freedom abuses in China, to the repressive nature of the governments in potentially destabilizing countries such as Iran, Uzbekistan, and North Korea, to the promotion of democracy and the fight against extremism in the Middle East, protecting the right to freedom of religion or belief is indispensable to advancing American interests. As President Bush recently said, "when the United States promotes religious freedom, it is promoting the spread of democracy." It is also promoting universal values as enshrined in international human rights norms.

With the passage of the International Religious Freedom Act of 1998 (IRFA), Congress declared that it was the policy of the United States to stand for liberty and stand with the persecuted to promote respect for religious freedom by all govern-

ments and peoples. The release of the Annual Report provides an opportunity to address some of the important challenges we face in doing so.

Along with the Commission's comments on the Annual Report, my testimony will address the Secretary of State's most recent designations of "countries of particular concern" (CPCs) and the U.S. government's response to last year's first-time designation of Eritrea, Saudi Arabia, and Vietnam as CPCs. In addition, my testimony presents a special focus on two countries on which the Commission has been particularly active in the past year. First, I will address Iraq's new constitution, and offer specific recommendations for strengthening protections for religious freedom and other human rights during the next phase of political transition. The Commission continues to believe that the constitution and its implementation will be crucial to Iraq's overall success as a stable and democratic state. Second, my testimony will report in brief on the Commission's recent two-week trip to China, where we were able to visit not only Beijing but also Tibet and Xinjiang, among other areas.

IRAQ'S NEW CONSTITUTION: FREEDOM OF RELIGION ON HOLD

Let me begin with Iraq. As Iraqis prepare for another round of elections in their historic transition from tyranny to democracy, the Commission's focus on the institutional dimension of the right to religious freedom and on securing the individual right to freedom of religion or belief for every Iraqi is more critical than ever. However, fundamental questions remain about the final content of the constitution, and how the provisions on religious freedom and other fundamental rights will be implemented through enabling legislation. Ultimately, it will be the Iraqi Supreme Court's interpretation of this legislation that will determine whether human rights principles will be applicable within the various regions of a federal Iraq, and also whether these rights will be subject to limitations in the event they are deemed to contradict the basic principles of Islam.

Iraq's new constitution, approved by 79 percent of voters in last month's referendum, incorporates positive provisions related to human rights protections, including constructive language on religious freedom. However, several of the articles are written in vague or ambiguous terms, resulting in a constitution that sets out two potentially disparate visions for Iraq. The first vision proclaims a country that respects fundamental freedoms and democratic principles; the second lays the foundation for a country in which Islamic law could be used to trump these freedoms. For example, Islam is a basic source of legislation, and no law can contradict Islam's established principles. The constitution allows for the appointment to Iraq's highest court of experts in Islamic jurisprudence who need not have any training in civil law or other relevant subjects. Such limited training places Iraq's Supreme Court requirements alongside those of Afghanistan, Saudi Arabia, and Iran, and could run the risk of tipping the scales towards the second of the two visions previously described.

Another problem is that nothing in the constitution explicitly provides that civil law, as opposed to religious law, will be applied in cases involving personal status issues. This means that women appearing in religious courts could be subject to discriminatory treatment in matters of marriage, divorce, and inheritance. The constitutional position on personal status also leaves open the questions of whether religious courts would be forced on unwilling parties and which court would rule on disputes between parties of different religions or beliefs. Personal status matters should generally fall under the jurisdiction of civil courts, and the free and informed consent of both parties should be required to refer a matter to religious courts, whose rulings should be subject to final review by the civil courts.

These and other concerns are detailed in a legal analysis prepared by the Commission and released to the public in early October. Based on its findings, the Commission concludes that the enabling phase of constitutional reconstruction is vital and that the U.S. government must ensure that the fundamental right to freedom of thought, conscience, and religion or belief is strengthened by Iraq's future government across all of its work. It should be pointed out that this is not a fanciful luxury; rather religious freedom is, as President Bush himself said, a foundation for other fundamental human rights and a touchstone of any democratic society.

The need to continue to press for these human rights protections in the constitution is reinforced by an ongoing stream of violence and extremism driven by religious intolerance. During the past year, thousands of ChaldoAssyrians and other members of Iraq's indigenous non-Muslim religious minorities have fled the country out of fear of persecution; there have been numerous reports of violence, including murder, directed against women and others, in an extrajudicial effort to impose an extremist version of Islamic law that violates international human rights standards; and places of worship and religious clerics alike have been the target of insurgent

attacks. These attacks have had a detrimental impact on the ability of all religious groups in Iraq, including Shia and Sunni Muslims, to worship freely.

Commission Recommendations on Iraq

The Commission has developed several recommendations for the next critical phases of Iraq's political transition: the upcoming election campaign and the new government's implementation and possible amendment of the constitution.

First, the Commission has recommended that a high-level human rights official, reporting directly to the Ambassador, be stationed within Embassy Baghdad to advance human rights, including religious freedom, as a key U.S. policy objective. Designating a high-level official demonstrates support for Iraqi efforts to make human rights a high-priority issue. Recently we learned that the Commerce, Justice, State Conference Report includes report language supporting this recommendation. The Commission hopes that the Department of State will implement this recommendation in a timely manner.

Second, the United States should encourage a robust discussion during the upcoming election campaign of how candidates would seek to implement the permanent constitution's provisions on the role of Islam and at the same time implement the protections for human rights. The Iraqi people deserve to know just how their representatives would address these issues. Related to this, U.S. contractors should conduct opinion polls designed to elicit how Iraqis understand the meaning and implementation of Islamic law, and the bearing such religious principles should have on their individual rights.

Third, given its experiences over the past 18 months, the Commission believes that a greater effort should be made by U.S. contractors and other organizations operating with U.S. government funding to cultivate and promote elements of Iraqi civil and political society that advocate in favor of democracy and human rights. As it stands, a number of dominant Iraqi political parties reportedly receive funding and support from other countries, including Iran, which do not share our interests in promoting human rights. Congress and agencies providing assistance should seek additional ways to encourage the emergence of new political voices in Iraq committed to individual rights and equality for all Iraqis.

Fourth, the Commission recommends that Congress urge the Administration to advocate the strengthening of constitutional human rights provisions during the four month period following the election when Iraqis are expected to consider amendments to the existing text.

Fifth, following elections, the new legislature will also begin to consider how to implement the no less than 50 provisions in Iraq's constitution that require enabling legislation. This represents a window of opportunity for the United States and the international community to communicate forcefully our desire to see that Iraq's legal framework in the post-Saddam era incorporates and upholds clear human rights guarantees for every Iraqi. The U.S. Agency for International Development should be granted specific authority to undertake rule of law programs focused on those pieces of enabling legislation that are related to human rights issues.

Finally, the Commission urges Congress and the Administration to press the UN and our international allies to engage directly with Iraqi political leaders concerning the strengthening of protections for human rights. Among other actions, Iraqi leaders should be encouraged to invite a field visit from the UN Special Rapporteur on Freedom of Religion or Belief, and to invite international human rights experts to consult on potential amendments to the constitution and on the drafting of any enabling legislation that may have an impact on human rights.

THE COMMISSION'S VISIT TO CHINA

In August 2005, the Commission traveled to China to engage senior officials responsible for the management of religious affairs and the protection of human rights in China, and meet with representatives of China's government approved religious communities.

Mr. Chairman, it is the Commission's assessment that the scope of political openness, public activism, and civil and individual freedoms is narrowing in China. China is in the midst of a crackdown on public opinion and public dissent that has included religious leaders and their communities. Moreover, the Communist Party's recent campaigns to "halt foreign influence," stamp out "evil cults," and strike hard against "ethnic separatism and religious extremism" have caused an atmosphere of fear and uncertainty among China's religious communities and occasioned some of the country's most brutal human rights abuses.

Mr. Chairman, all of China's religious communities live in the long shadow of the Communist Party. Various government agencies maintain final authority over leadership, financial, and doctrinal positions of the five government-sanctioned religious

bodies: Buddhist, Daoist, Protestant, Catholic, and Muslim. Religious groups must submit to government monitoring of their activities and the approval of many common religious activities. Religious groups must also accept restrictions on what doctrines and traditions can be conveyed and taught. There are numerous credible reports, for example, of Christian leaders having to refrain from teachings involving the second coming of Jesus, divine healing, the practice of fasting, the virgin birth, and religious perspectives on contraceptives, divorce, and abortion because these doctrines or practices are considered to be either “superstitious” or contrary to the Chinese Communist Party’s social policies.

Over the last decade, the Party has made some accommodation for the spiritual aspirations of its people and openly praises the contributions of government approved religious organizations to Chinese society. The Commission was able to observe a distinct “zone of toleration” where members of religious organizations that accept government control are given some latitude to practice their faith traditions.

China has introduced new Regulations on Religious Affairs that were heralded as “a significant step forward in the protection of Chinese citizens’ religious freedom.” The regulations do include several provisions that are, on their face, potentially important advances, including the outlining of conditions under which religious organizations can provide social services in local communities, protect their property, sue abusive government officials, accept donations from overseas religious groups, and receive prompt responses from government agencies on registration applications.

However, it is the Commission’s position that the new Regulations do not adequately protect the rights and security of religious believers and are not fully consistent with international norms on freedom of thought, conscience, and religion or belief. In fact, the Regulations extend Party officials control over all religious activity and groups. Moreover, the Regulations threaten criminal punishments and civil fines for “unregistered” religious activities.

Because “unregistered” religious activity is “illegal” under Chinese law, members of such groups are actively targeted for harassment, detention, and arrest. Since March, there have been three large-scale raids on unregistered Protestant churches targeting leadership training, university Bible studies, and missionary activity. In addition, there are reports that two underground Catholic priests were arrested just last month in the city of Wenzhou in eastern China.

The Chinese government reserves for itself the right to distinguish between “normal” religious activity and activities deemed to be “heretical” or “cultic.” Any religious or other group determined to be a “cult” is subject to brutal suppression, as is evidenced by the harsh crackdown on the Falun Gong and other spiritual movements. In recent years, some unregistered Protestant and Catholic groups have been officially designated as “cults.”

Tibetan Buddhists and Uighur Muslims face serious and ongoing restrictions on the free practice of their religion. There are many similarities between the way the Chinese government controls Uighur Muslims and Tibetan Buddhists. The Chinese government fears secessionist activities and recent calls for greater autonomy in Tibet and Xinjiang. Crackdowns on religious activities in these regions are often harsher than in other parts of China. “Patriotic education” continues to occur in Tibet and Xinjiang. Muslim imams and Tibetan monks and nuns are required to be vetted for their political loyalty, all religious publications are controlled, there are severe restrictions on religious celebrations and religious education of minors, and there are tight restrictions on the number of religious venues and religious leaders. In Xinjiang, even government officials are subject to “patriotic education.” The Commission was told that religious affairs officials must complete political education to avoid “paralyzed thinking” and to “distinguish between normal and illegal religious activities.”

It is our conclusion, Mr. Chairman, that conditions for freedom of religion or belief in China remain poor overall and have deteriorated in the last year. Current Chinese law and practice continue to contravene both international human rights norms and the rights enshrined in the Chinese constitution.

Given the continuing critical human rights problems in China, the Commission concludes that these concerns must be raised at the highest levels and that U.S. officials should provide a consistent, candid, and coordinated message about human rights, including religious freedom, in their interactions with Chinese officials. The U.S. government should therefore continue to pursue broad-ranging policy options and discussions to ensure that progress on human rights and the rule of law remain core components of the bilateral relationship with China. The United States should also continue to help foster political, economic, and legal reforms in China. To this end, the Commission has recommendations for U.S. policy to strengthen the protection of human rights, in particular the freedom of thought, conscience, and religion

or belief, in China. With your permission, Mr. Chairman, we would like to add those recommendations to the record.

THE 2005 DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN AND THE COUNTRIES OMITTED FROM THE CPC LIST

The public identification by the U.S. government of the world's most severe violators of religious freedom is a hallmark of the IRFA legislation. One of the purposes of the Annual Report is to make available the factual information necessary for the Department to carry out this task, that is, to determine which countries will be designated as "countries of particular concern," or CPCs, for engaging in systematic, ongoing, and egregious violations of freedom of religion or belief.

The Commission welcomes the continued designation by Secretary of State Condoleezza Rice of *Burma, China, Iran, North Korea, and Sudan* as CPCs. We also welcome the fact that *Eritrea, Saudi Arabia, and Vietnam* were once again named, as there have been no developments in the past year in any of those countries to warrant their removal from the CPC list. At the same time, the information in this year's Annual Report makes clear that three other countries merit CPC status in addition to those that have been previously named by the Secretary of State. The Commission finds that the governments of *Pakistan, Turkmenistan, and Uzbekistan* persist in engaging in or tolerating particularly severe violations of religious freedom, and regrets that they were, once again, not designated as CPCs this year.

Pakistan

The government of *Pakistan* continues to provide an inadequate response to vigilante violence frequently perpetrated by Sunni Muslim militants against Shi'as, Ahmadis, Hindus, and Christians. Discriminatory legislation effectively bans many of the activities of the Ahmadi community. Blasphemy allegations, routinely false, result in the lengthy detention, imprisonment of, and sometimes violence against Ahmadis, Christians, and Hindus, as well as Muslims, some of whom have been sentenced to death. Belated efforts to curb extremism through reform of Pakistan's thousands of Islamic religious schools appear to have had little effect thus far, and many of these schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. After the terrorist attacks in London last July, President Musharraf renewed his call to fight extremism in madrassas; however, his record on this issue has unfortunately not been encouraging.

Turkmenistan and Uzbekistan: Particularly Severe Violators Given a Pass

The omission of *Turkmenistan* and *Uzbekistan* from the CPC list is particularly troubling and a discredit to Congress's intent in passing IRFA. Turkmenistan, among the most repressive states in the world today, allows virtually no independent religious activity. The government of Uzbekistan places strict restrictions on religious practice and continues to crack down harshly on individuals and groups that operate outside of government-controlled religious organizations. The Ambassador at Large and the State Department have for years attempted to engage the governments of these two countries in an effort to seek improvements. However, the response has been extremely limited. In the face of the severe religious freedom violations perpetrated by the Turkmen and Uzbek governments, the continued failure to name them as CPCs undermines the spirit and letter of IRFA.

Since 2001, the Commission has recommended that Turkmenistan be designated a CPC. In addition to the severe government restrictions that effectively leave most, if not all, religious activity under strict—and often arbitrary—state control, Turkmen President Niyazov's ever-escalating personality cult has become a quasi-religion to which the Turkmen population is forced to adhere. His self-published work of "spiritual thoughts," called *Ruhnama*, is required reading in all schools. In addition, copies of *Ruhnama* must be given equal prominence to the Koran and the Bible in mosques and churches. In the past year, in a move likely aimed at avoiding a possible CPC designation, President Niyazov passed several decrees that permitted the registration of five very small religious communities. Despite this alleged easing of registration criteria, religious groups continue to require permission from the state before holding worship services of any kind, making it unclear what—if any—practical benefits registration actually provides. Moreover, religious groups that do not meet the often arbitrary registration rules still face possible criminal penalties due to their unregistered status, and even newly registered religious groups have been raided by police.

Even the rights of members of the two largest religious communities, the majority Sunni Muslims and the Russian Orthodox, are seriously circumscribed. Last year, seven mosques were destroyed in the country and President Niyazov forbade the

construction of any new ones. Turkmenistan's former chief Mufti, Nazrullah ibn Ibadullah, was sentenced to 22 years in prison because he apparently refused to elevate the *Ruhnama* to the level of the Koran. This past June, President Niyazov undertook various moves against the country's only Muslim theological faculty. And, according to recent reports, the Russian Orthodox Church has been refused re-registration as part of an effort by President Niyazov to pressure Russian Orthodox parishes in Turkmenistan to sever ties with the Tashkent-based Central Asian diocese and to subordinate themselves to the Moscow Patriarchate.

Turkmenistan is clearly a highly repressive state, where the Turkmen people suffer under the yoke of a personality cult that allows them few freedoms of any kind, including religious freedom. The Commission finds it extremely troubling that despite a few superficial legal changes regarding religious freedom, and little if any change to the situation on the ground, Turkmenistan continues to escape the CPC designation it so clearly deserves.

The Commission has also recommended that Uzbekistan, which the Commission visited last year, be designated a CPC. The Uzbek government continues to exercise a high degree of control over the practice of the Islamic religion and to crack down harshly on Muslim individuals, groups, and mosques that do not conform to state-prescribed practices or that the government claims are associated with extremist political programs. This has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process. There are credible reports that many of those arrested continue to be tortured or beaten in detention, despite official Uzbek promises to halt this practice. Moreover, Uzbekistan has a highly restrictive law on religion that severely limits the ability of religious communities to function, leaving over 100 religious groups currently denied registration.

The government of Uzbekistan does face threats to its security, including from members of *Hizb ut-Tahrir* and other political groups that claim a religious linkage, and the Commission's recommendation of CPC status for Uzbekistan should not be construed as a defense of that or any similar organization. However, these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers nor the continued practice of torture, which reportedly remains widespread.

The shooting by Uzbek troops of hundreds of unarmed protestors in Andijon in May of this year provides the most brutal example to date of the Uzbek government's response to real or perceived threats to its security. In Andijon's aftermath, the Uzbek authorities have mounted a repressive campaign against journalists; human rights activists; Uzbek employees of western non-governmental organizations; and religious adherents, particularly Muslims. The Uzbek government has refused requests from the U.S. and other Western governments for an independent international investigation into the Andijon tragedy and is reportedly cracking down on any human rights or other activists who have attempted to report on the events. According to a number of human rights organizations, as many as 11 activists have been imprisoned and at least 15 have been forced to flee the country. In addition, hundreds of Andijon residents have been arrested on suspicion of involvement. Many other civil society activists have been forced to cease their investigative activities after being arrested on false charges, detained, beaten, threatened, or put under surveillance or under de facto house arrest.

The Commission would like to note the recent introduction by Chairman Smith of legislation highlighting the political and human rights challenges facing the five countries in Central Asia. This legislation reflects longstanding Commission recommendations that U.S. assistance to the governments of Turkmenistan and Uzbekistan be linked more closely to the protection of religious freedom and that efforts continue to be made to support non-governmental actors seeking to promote democracy and human rights.

THE U.S. RESPONSE TO LAST YEAR'S DESIGNATION OF THREE NEW CPCs: ACTION ON SAUDI ARABIA SHOULD COME SOON

Last year, the Department of State for the first time named Eritrea, Saudi Arabia, and Vietnam as CPCs. In order to ensure that the promotion of religious freedom be a consistently integral part of U.S. foreign policy, the U.S. government was required by IRFA to take active steps in response to that CPC designation. Though the response came well past the deadline of March 15, the Commission welcomed the State Department's announcement on September 23 of decisions on these three serious religious freedom violators in fulfillment of statutory obligations under IRFA.

Until this past September, the only official action taken by our government with respect to countries that to date have been designated CPCs has been to invoke al-

ready existing sanctions, rather than to take additional measures pursuant to IRFA. Because neither Eritrea, Saudi Arabia, nor Vietnam were subject to pre-existing sanctions, their designation provided our government with an opportunity decisively and actively to engage in serious discussions with the governments of those countries against the backdrop of U.S. authority to take punitive steps. While Vietnam has taken some preliminary actions in response to U.S. engagement, this has unfortunately not been the case with Saudi Arabia and Eritrea.

Vietnam and Eritrea

On Vietnam, the State Department referred to last May's conclusion of a binding agreement with the Vietnamese government to work towards improvements in religious freedom conditions in that country. The CPC designation of Vietnam has allowed the U.S. and the Vietnamese governments to talk seriously about religious freedom concerns, several of which are addressed in the binding agreement. However, it remains to be seen if the promises made in the agreement will be met with measurable and durable improvements in the situation in Vietnam. The Commission is concerned about reports that serious religious freedom violations persist in that country. The government of Vietnam continues to actively repress, and target as subversive, religious activity it cannot control or that which resists government oversight. Targeted in particular are leaders of the Unified Buddhist Church of Vietnam (UBCV), ethnic minority Christians in the Central Highlands and northwest provinces, "house-church" Protestants, and followers of religious minority groups such as the Hoa Hao and Cao Dai. This repression has not abated in the last year.

In response to the religious freedom violations perpetrated by the government of Eritrea, the State Department announced the "denial of commercial export to Eritrea of any defense articles and services controlled under the Arms Control Export Act," with some items excepted. The Commission welcomed the announcement of this action on Eritrea, the imposition of the first unique sanction to be taken under IRFA. Despite efforts by the U.S. government to engage the government of Eritrea, the already poor religious freedom situation there has deteriorated in the past year. To date, the government of Eritrea has not registered any of the religious groups, including various Christian groups as well as Baha'is, whose public religious activities were banned in 2002 pending registration. This year, the government's religious crackdown has intensified with a series of arrests and detentions of members of unregistered religious groups. Those detained are typically held without charge or due process of law. The Commission believes that the imposition of export controls demonstrates the seriousness with which the United States views the violations being perpetrated by the Eritrean government.

Delay on Response to Saudi Arabia

Last year, the Commission applauded the long awaited September 2004 CPC designation of Saudi Arabia, a country where, as the State Department itself has noted, religious freedom does not exist. In September 2005, fully one year after that CPC designation and with no ascertainable human rights progress in Saudi Arabia over the intervening year, the Secretary of State authorized a 180-day waiver of action "in order to allow additional time for the continuation of discussions leading to progress on important religious freedom issues."

Yet, the pattern of punishment and abuse by Saudi authorities of non-Muslim foreign residents for private religious practice has in fact increased since early 2005. There have been numerous reports of raids of private homes by the *mutawaa* or religious police; these reports describe detentions, beatings, and deportations of foreign workers engaged in private religious worship, the burning of religious literature, and the destruction of private non-Muslim places of worship.

During the past year, the Commission has made several statements urging the State Department to select and implement one or more of the concrete actions for CPCs set forth in IRFA. In the absence of real progress in Saudi Arabia over the past year, the Commission believes that the U.S. government should use the 180-day extension to engage the Saudi government directly to achieve demonstrable progress by the end of that period of time. The Commission has laid out in its reports several immediate steps that could be taken by the Saudi government.

If such progress is not forthcoming, the Commission has made recommendations for U.S. government action in accordance with IRFA. These remain appropriate and include:

- order the heads of appropriate U.S. agencies, pursuant to section 405(a)(13) of IRFA, not to issue any specific licenses or grant any other specific authority for the export of any item on the U.S. Commerce Control List of dual-use items to any Saudi agency responsible for committing particularly severe violations of religious freedom;

- identify and render inadmissible for entry into the United States any Saudi government official who was responsible for or directly carried out religious freedom violations, as outlined in section 604 of IRFA; and
- issue a proclamation, under the President's authority pursuant to section 212(f) of the Immigration and Nationality Act (8 USC 1182(f)), to bar those Saudi government officials from entering the United States who have been responsible for propagating globally an ideology that explicitly promotes hate, intolerance, and human rights violations.

The Commission notes that the State Department did not invoke a national interest waiver on Saudi Arabia. This may be a positive move, as it could allow for more options in the future to respond to religious freedom violations. The Commission hopes that genuine progress will be made in Saudi Arabia to justify the course of action taken by the State Department. We also encourage the State Department to consult with Congress and other parts of the U.S. government, including the Commission, during its discussions with the Saudis, and to make any agreement reached with the Saudi government public in the interest of the accountability that results from transparency. If, however, no progress on religious freedom is seen after the 180-day period has ended, the U.S. government must not hesitate in taking aggressive action as suggested above which meets the requirements of IRFA to demonstrate that it will not disregard the persistent and egregious religious freedom violations committed by the Saudi government.

THE ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. Chairman, the *Annual Report on International Religious Freedom* continues to be a critical part of the process of promoting religious freedom throughout the world. As we have stated in the past, the Annual Report each year is proving to be an important achievement that consistently demonstrates the substantial efforts of the foreign-service officers in our embassies around the world, as well as the Ambassador at Large for International Religious Freedom and his staff at the State Department's Office of International Religious Freedom. The 2005 Annual Report is no exception.

Individual Country Reports

As in the past, many of the individual country reports in the 2005 Annual Report are excellent—thorough and accurate. However, the Commission is concerned about a number of informational inaccuracies and troubling conclusions in several important reports.

Although we recognize the substantial achievements that have occurred in *Afghanistan* since the institution of the new government, the Commission continues to believe that the Afghanistan country report does not adequately address the problems faced by individual Muslims in that country, as a result in part of the insufficient religious freedom protection afforded to individual Muslims in the new constitution passed in January 2004. These constitutional pitfalls, including the repugnancy clause that states that “no law can be contrary to the beliefs and provisions of Islam” and the fact that the Supreme Court is empowered to make this determination, have negatively influenced other legislation also, including legislation on press freedom. The report does mention that the vagueness in the wording of the clause prohibiting materials “offensive to Islam” in the press law could lead to potential abuse, but it does not give sufficient weight to the significance of this problem.

The most recent—and perhaps most alarming—example of the seriousness of the inadequate constitutional guarantees occurred too recently to be included in the 2005 Annual Report, but nonetheless deserves mention here. Just last month, a respected journalist and editor was convicted on charges of blasphemy and “insulting Islam.” His purported “crime” was to question the use of certain harsh punishments under traditional Islamic law, including amputation and public stoning. Particularly troubling is that certain authorities ignored Afghanistan's own legislation stating that journalists cannot be arrested until the government's Media Commission has examined the case. As it happened, the Media Commission found him not guilty of insulting Islam. Nevertheless, the journalist was found guilty and sentenced to two years in prison. Clearly, despite the many remarkable advances there, it remains clear that even today in Afghanistan, protections for human rights and democracy remain under threat from sources of religious extremism within the Afghan government.

The report on *China* was quite positive about the new National Regulations on Religious Affairs implemented in March 2005, saying that they have the “potential to improve respect for religious freedom, to enhance legal protection for religious

groups, and to strengthen the process of governing religious affairs according to law.” The Commission believes that the Regulations do include several provisions that may be important advances, including several of the provisions that I noted earlier in my testimony.

However, contrary to the impression left by the report, the Regulations are not the “paradigm shift” promised by Chinese officials. In fact, given the vague and sometimes contradictory language of the Regulations, the Commission believes that they do not adequately protect the rights and security of religious adherents and are not fully consistent with international norms. For example, permission is now required for a number of commonplace religious activities, including holding meetings outside a place of worship, inviting a special speaker or teacher, printing religious material, or instituting a change in leadership. The Regulations also threaten criminal punishments and civil fines for “unregistered” religious activities. In fact, “unregistered groups” have reported increased harassment, arrests, and detentions since the Regulations were implemented. Since March of this year, there have been four large scale arrests of “house church” Protestant leaders, apprehending over 500 religious practitioners.

Second, the China report tends to focus the primary blame for religious freedom abuses on “local officials” in China. Although the Commission continues to recognize as a result of its recent visit that religious freedom conditions do vary from province to province, it is unmistakable that recent campaigns to “halt foreign influence,” “strike hard against religious extremism,” “stamp out evil cults,” “promote atheism,” and “eliminate the influence of the Dalai Lama” have all emanated directly from Beijing and are approved by top Communist Party leaders. Clearly, religious freedom abuses do not stem only—or even primarily—from local corruption or provincial officials misinterpreting the law.

The Commission welcomes the inclusion of a country report on *Iraq* in this year’s Annual Report. The report offers a thorough summary of religious freedom conditions in Iraq and highlights areas of particular concern. However, in addressing religious freedom violations, the report tends to classify all abuses as stemming from “terrorist organizations,” a generalized term that conflates the various groups in Iraq that seek to impose Islamic rule with terrorist groups that support the insurgency, and plays down the support the former may have in Iraq, particularly within the provincial and municipal government structures. For example, the report fails to mention the deteriorating situation in Basra, where local Islamic groups—not connected to the insurgency—are imposing a strict version of Islamic law that has resulted in human rights violations as severe as extra-judicial killings. The report makes no mention of the implications of these developments for religious freedom in Basra, its surrounding areas, and Iraq more generally. In addition, though the report notes that Law No. 105 of 1970 prohibits the Baha’i faith, it fails to make clear if any efforts have been made on the part of the U.S. government to encourage the Iraqi government to repeal this discriminatory law. The report also does not mention other difficulties faced by the the Baha’i community, including the fact that the Baha’i faith cannot currently be listed as a religion on Iraqi national identity cards. Finally, the report omits mention of religiously motivated attacks targeting the Roma and Sufi Muslim communities in Iraq.

The *Russia* report provides a wealth of information on the complex status of religious freedom in that country, including more attention to a wider range of religious groups. Yet, the report should draw more attention to the increasingly troubling situation faced by the country’s largest religious minority: Muslims. Thus, while it gives admirably detailed coverage of the recent legal travails of the Jehovah’s Witnesses and the Church of Scientology, no mention is made of a secret Supreme Court decision which outlawed 15 Muslim organizations for alleged ties to terrorism. This secret decision reportedly has led to the prosecution of several hundred Muslim individuals and groups in various parts of Russia, based on reportedly unsubstantiated accusations. In addition, Muslims increasingly face instances of workplace and other discrimination and widespread media attacks.

The report on *Saudi Arabia* is more comprehensive than in previous years, highlighting the problems of the Shia population and non-Muslim guest workers. However, as in past years, the report continues to omit any mention of the Saudi export of a highly intolerant and hate-filled ideology, despite the fact that this issue was mentioned publicly by the Ambassador at Large for Religious Freedom and other U.S. officials on several occasions during the past year. The subject was also mentioned at the press conference releasing this year’s Annual Report.

One of the most troubling country reports in the 2005 Annual Report is the report on *Turkmenistan*, which makes the startling claim that “the status of Government respect for religious freedom improved during the period covered by this report.” Even more disturbing is that Turkmenistan is listed in the Executive Summary as

one of the countries which has seen “significant improvements in the promotion of religious freedom.” This conclusion seems to contradict the State Department’s most recent Human Rights Report on Turkmenistan, which clearly states that “the Government’s human rights record remained extremely poor, and the Government continued to commit serious abuses.” The claim of this year’s religious freedom report is regarded as erroneous not only by the Commission but by most human rights organizations and other observers of Turkmenistan. Indeed, a number of U.S. and international human rights organizations have submitted a statement to this hearing expressing their strong objection to the report’s assessment of the situation in Turkmenistan and providing details of other inaccuracies in the Turkmenistan report.

The conclusion of the Annual Report is based largely on the Turkmen government’s recent registration of nine extremely small religious communities, even though their registration has not ended police harassment and tight government control of them and other groups. The report appears to allow these insignificant improvements—on paper—for these small groups to overshadow the worsening situation for the country’s majority religious group, the Muslims. The report also does not mention the growing problems for the Russian Orthodox Church. Even more troubling, however, is that the report does not devote sufficient attention to President Niyazov’s quasi-religious, all-pervasive personality cult, which was discussed earlier in my testimony. The report also fails to mention the Turkmen government’s refusal to respond to repeated requests by the UN Special Rapporteur on Freedom of Religion or Belief for an invitation to Turkmenistan. Moreover, at the event marking the report’s release, the Ambassador at Large claimed that all religious prisoners in Turkmenistan had been released; yet the report notes that the former Grand Mufti remains incarcerated for his refusal to elevate Niyazov’s book of “spiritual thoughts” to equal prominence with the Koran.

This year’s Annual Report claims that the status of religious freedom has also improved in Vietnam over the course of the past year. It is true that after Vietnam was designated as a CPC last year, the Vietnamese government released some prominent religious prisoners and issued new ordinances regarding religion. It also made promises to improve conditions for its ethnic and religious minorities—promises that have not yet been translated into concrete changes.

The Commission does not believe that religious freedom conditions in Vietnam have improved during the past year. In fact, since the public announcement of a May 2005 binding agreement on religious freedom concerns between the United States and Vietnam, reports about restrictions and other abuses continue to surface, particularly against the country’s religious and ethnic minorities. In congressional testimony last June, the Commission described evidence of forced renunciations of faith occurring in the northwest provinces and central highlands. Although the State Department states that “a few” such renunciations occurred in the last year, the Commission submitted 21 police summons to the International Relations Committee from only one community in Vietnam. What is more, the Commission has reliable information on the arrests and detention of Hoa Hao and Protestant religious leaders and continued harassment of the Unified Buddhist Church of Vietnam (UBCV), all since May of this year. Finally, the report also states that “almost all” the churches and meeting points closed in the Central Highland since 2001 have been reopened. Yet, 432 churches and meeting points reportedly remain closed in that region.

Religious Persecution and the U.S. Refugee Program

Section 601 of IRFA specifically directs that the *Annual Report on International Religious Freedom* serve as a resource for refugee and asylum adjudicators. In that sense, the Annual Report plays an important role not merely in documenting religious freedom violations, but in facilitating refuge for those who are fleeing religious persecution.

Appendix E of the report, the Overview of Refugee Policy, continues to improve, with more comprehensive coverage of religious persecution and the Refugee Program than in past years. Once again, however, the 2005 report contains little acknowledgment of the serious problem of intra-religious persecution, but instead focuses almost exclusively on the persecution of religious minorities by a majority religious community. Moreover, this section contains no mention of significant refugee-source countries such as Afghanistan, Eritrea, or Iraq, where serious religious freedom problems persist. Indeed, the Secretary of State has designated Eritrea a CPC, and problems in Iraq—particularly with regard to the security of religious minority communities—are severe.

The Overview of Refugee Policy section does cite Saudi Arabia, a CPC, as well as Pakistan, which the Commission has recommended be designated a CPC, for

their mistreatment of religious minorities. The Overview fails, however, to indicate how the U.S. Refugee Program has been responsive to this mistreatment.

In its Report to Congress on Refugee Admissions for FY2006, the Department of State provides a more complete description of the way in which it is facilitating access to the Refugee Program, at least for those asylum seekers who have fled CPCs. The Report to Congress is required to include such information under Section 304 of the North Korea Human Rights Act of 2004. Such information should be in the *Annual Report on International Religious Freedom* as well, even if not required by law.

The Commission does remain concerned that other refugee and asylum provisions of IRFA have been unevenly implemented. For example, Appendix D of the Report, "Department of Homeland Security (DHS) and the International Religious Freedom Act," accurately describes the measures taken by the Asylum and Refugee Corps to train its refugee and asylum adjudicators in international religious freedom, as required by sections 602 and 603 of IRFA. Yet, this section makes no mention of the training—if any—on international religious freedom undertaken by DHS Border Patrol agents and inspectors exercising Expedited Removal authority, even though such training is also required under IRFA. Nor does the report mention the efforts by the Department of Justice to ensure that immigration judges comply with IRFA training requirements.

The importance of such training has been underscored by recent positions advanced by the Department of Justice and initially adopted by the Federal Court of Appeals for the Fifth Circuit in *Li v Gonzales*. *Li* involved a Chinese Christian who claimed persecution—including arrest, detention, beatings, loss of employment, and forced labor—for organizing an unregistered church. An immigration judge granted the asylum seeker protection from removal, finding his claim to be credible and consistent with country conditions in China. The Department of Justice Board of Immigration Appeals (BIA), on a motion from the Immigration and Naturalization Service (INS), reversed the decision and ordered that Mr. Li be removed to China. When Mr. Li appealed the decision to the Fifth Circuit, the Department of Justice continued to argue that Mr. Li should be removed because he had been subject to prosecution for violating China's religious registration laws—not persecution for his religious beliefs. The Fifth Circuit agreed with the Department of Justice.

The Commission wrote the Department of Justice to make it clear that U.S. foreign policy has long maintained that China's control over registered churches—and its prosecution of individuals like Mr. Li for engaging in "unauthorized" religious activity—are clear violations of international law with regard to freedom of religion or belief. The Departments of Justice and Homeland Security were receptive to the Commission's concerns, and the Fifth Circuit subsequently vacated its original decision. Although immigration judges are already required by IRFA to have training on religious freedom, other relevant entities are not: the BIA, the trial attorneys who work for Immigration and Customs Enforcement (ICE) in DHS, as well as those who work for the Office of Immigration Litigation (OIL) in the Department of Justice. The BIA and OIL have recently invited the Commission to participate in training its attorneys. We urge ICE to do the same. All of these entities should make religious freedom a regular component of their training curricula, whether mandated by IRFA or not. We also urge that the Departments of Homeland Security, Justice, and State to coordinate better their efforts to ensure that legal positions on asylum which are advanced in court by these agencies do not set legal precedents which could undermine longstanding positions of the United States on international human rights.

Finally, section 602(b) of IRFA requires that all consular officers be trained in refugee law and policy. Although consular officers do not adjudicate refugee applications, they are authorized to refer refugee applicants to the Department of Homeland Security for adjudication, since the vast majority of asylum seekers are not permitted to apply to the Refugee Program without a referral from a U.S. embassy or the UNHCR. Appendix C of the Report, "Training at the Foreign Service Institute Related to the International Religious Freedom Act," states that consular training "includes a lecture on Immigrant Visa (sic) that incorporates discussion of refugee and asylum issues as they pertain to consular officers. The subject is covered in further detail in the Self-Instruction Guide (SIG) on immigrant visa processing." Based on inquiries made by the Commission, however, it appears that the only training received by consular officers relevant to the Refugee Program is on the processing of immediate relative petitions filed by refugees and asylees. Such training does not

even begin to comply with the broad requirements of section 602(b).¹ Consequently, the Commission is concerned that consular officers remain unaware of their ability to facilitate access to the resettlement program for asylum seekers in need of protection. Once again, the Commission urges the Department of State to comply with this training requirement, which could save the lives of bona fide refugees, particularly those who may have access to a U.S. consulate but not UNHCR.

CONCLUSION

Mr. Chairman, thank you for the opportunity to share with you the Commission's views and recommendations. We look forward to continuing to work closely with the Congress to advance respect for the freedom of religion in U.S. policy. In that regard, I would like to highlight one upcoming Commission activity. This afternoon, in the presence of yourself and other Members of Congress, the Commission will release a report on conditions for freedom of religion or belief in North Korea, relating the first-hand experiences of dozens of former North Koreans. This report was authored by human rights expert David Hawk and describes severe violations of human rights, including the extent to which the regime attempts to control the very thoughts and beliefs of the North Korean people.

Thank you again for holding this important hearing and inviting the Commission to testify. I am happy to answer any questions that you may have regarding my oral or written statements.

Mr. SMITH. Mr. Cromartie, thank you very much for your testimony, for your leadership of the commission, and for the commission's extraordinary work. It is a source, as you pointed out, the Central Asian Human Rights Act, which I have introduced, we are greatly indebted to your commission's work on that. So, I want to thank you for not just mentioning it, but for, more importantly, the gist and the information you have provided to help us in crafting it. We hope to be marking that up very, very shortly.

Let me just ask a couple of questions and start with the refugee program. When we marked up the Religious Freedom Act, you might recall my former Chief of Staff, Joseph Reese, who is now our Ambassador to East Timor, is the former general counsel for the INS, and is very, very pro-refugee and pro-immigration and was very helpful in crafting those very specific provisions.

We had found through oversight hearings and, frankly, through his expertise that there was a—whether it be witting or unwitting—bias in many of our courts, as well as among many of our consular officers, against people of faith who are asserting discrimination, and that asylum cases routinely were dismissed as a direct result. That is what prompted inclusion in IRFA of the provisions dealing with the training and that that information be shared in such a way that it became part of law cases, like the *Li v. Gonzales*, as you mentioned.

Perhaps in oversight, in our capacity as a Subcommittee that not only makes laws but tries to oversee them, it is time to have a hearing on how well or poorly that is. I think your comments prompt that, that we really need to see how well or poorly those provisions are being implemented, whether or not there needs to be any remedial legislation if there is a gap somewhere.

But I thank you for paying some very good, close attention to that, because we will convene an oversight hearing within the next few months to look precisely at that. So I thank you for that as well.

¹ Section 602(b) of IRFA holds that "(t)he Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. . . ."

Let me just ask you with regards to North Korea, if you want to talk a little bit before we release the report at 3 o'clock today, whether or not there is much of a difference between that report and the State Department's report.

I would note that for years I have asked the State Department why North Korea was not a CPC country. Basically, the answer was, "We don't have enough information." But my argument right back was, we certainly have enough information that it could be construed to be a presumptive CPC country, because in and of itself, the fact we could not get that information was highly illustrative of the nature of the problem.

Are there some aspects in this report that are new and perhaps startling that you might want to comment on?

Mr. CROMARTIE. Yes, sir, Mr. Chairman. One of the finer points about this report is that the author, David Hawk, has interviewed at least two dozen people who escaped from North Korea into South Korea, and these represent long extensive interviews with these people who escaped the horror of North Korea.

I think what is unique and original about this report is the amount of people he has talked to about the state of conditions in North Korea, and in fact the point you make about the lack of information is somewhat solved by this report because we are talking to people who were first-hand witnesses of the atrocities of the Government of North Korea. So I think it breaks new ground because of the amount of people that Mr. Hawk was able to meet with and talk to over several years of research. May I say, it is a groundbreaking study.

Mr. SMITH. On Vietnam, have you seen any evidence to suggest that the agreement between our two countries is yielding any fruit, or is it a diversion?

Mr. CROMARTIE. I see no evidence. There are a lot of promises. Promises need to be followed by deeds. There is an attempt by the Government of Vietnam, by at least coming to this agreement, to give us the impression that progress has been made, but I think time will tell. One is certainly glad for promises. Some of the countries we talk about in CPCs don't even make promises, as you know. At least we have promises from that, so we can try to hold them to their promise, which would be a little bit of progress.

Mr. SMITH. Is it your view that China ought to be sanctioned pursuant to the provisions in the act?

Mr. CROMARTIE. The commission hasn't, to the best of my knowledge, taken a position on that. We have recommendations about what to do about China. We have just issued, if I might advertise, a report last week on China, an extensive policy focus on China, because we made a trip there for 2 weeks in August, and we have at least 14 recommendations in that report about what we ought to do to China.

Mr. SMITH. I appreciate your comments on Iraq, because I think we all have to maintain a very strong vigilance. I think, as you pointed out in your written testimony, or perhaps orally, some of this now is up to what the court will do in interpreting. And, I think we may have to be very vigilant that we don't see these considerable sacrifices in blood and material by this country, by our country, and by the Iraqis themselves, squandered going forward.

I asked Ambassador Hanford about Sri Lanka, the concerns that we all have that another tsunami is awaiting for believers that deals with the anti-conversion law. I was struck again, as I indicated in a limited way, by how we had no fears that this was going to go forward when I met with the prime minister last January in Columbo, but I am very concerned, and perhaps I would like to know how they feel, that this may be on a track toward enactment.

Mr. CROMARTIE. Mr. Chairman, some of us on the commission have on-going discussions about the fact that we have a CPC list, we have a watch list, and some of us suggesting that we need a third list, a third list which we would call a gravely concerned list. It is of course—it is on-going discussion. Obviously, Sri Lanka would be on that third list. And certainly on-going discussions among the commissioners could well be that it move up to the watch list. And of course if it passes the law, which you suggest, other discussions will have to occur because it is a very important piece of legislation.

Mr. SMITH. Now should Uzbekistan be a CPC country?

Mr. CROMARTIE. Well, we certainly recommend it.

Mr. SMITH. Right. I wanted to get it on the record.

Mr. CROMARTIE. Yes, we recommend that that be such.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much for the work of the commission and your dedication.

I just have a question, kind of in regard—I couldn't agree with you more about the fact that the courts, the Department of Justice, the immigration judges, I think in many instances, are not properly trained or really do not feel that they are required to take into account the cases. In my relationship with the courts, it just seems that it is a failure if someone is given asylum, just seems that everyone should go back; it is unbelievable. And we have been trying to get some attention. There is a firm here in DC that is interested in this whole question because, of course, an immigrant person running from religious or political persecution is the least among us, that come from countries where in many instances very little is there, and when they get here, there is absolutely no sympathy. It seems that the goal is just to see if 99½ won't do, either 100 percent out or you are a failure. And I sat in on a case where I was actually restricted from going into the court until—really in Newark Airport detention, the court—I had asked them did they know where funding from the courts came from, and I just had to remind them that it comes from the United States Congress. And if I didn't get in there in a few minutes, that we were really going to have to have a real out-and-out hearing.

Of course, I was allowed in and it was a person from Sudan, from Darfur, afraid to go back. They were going to deport them back to Khartoum, it was unbelievable. And that case went on for about 4 or 5 months. And only, I believe, because I forced my way into the hearing, they postponed the decision 2 weeks out on a Friday—the decision was supposed to be done, when I went there Friday I found out that, well, the day before they agreed to give asylum.

They were even so disappointed and angry that it seemed that they had to give asylum that they did it the day before, I guess, so that maybe I would have gotten some satisfaction from this poor

person not being sent back to the murderous Government in Khartoum, and so they did it a day before. Of course, the final line is that the person did receive asylum. But I am really going to follow that whole thing.

We have another fellow named Malik Garo, he is from Guinea. The young fellow is 12 or 13. His father was killed by the government. He escaped New Guinea. You know, an aging President, they don't even know if he is running the country, it is next to Sierra Leone and Liberia where the RUF was cutting off arms of people when they would go across the border, and taking the diamonds and using them for weapons. And this kid, 12 years old, was put on a plane, got out of Guinea, got to France somewhere, ended up here in the United States.

And don't you know that this poor kid, he was—didn't know the language, and he was really educatable and trainable, he had a problem with his intelligence quotient, but he was a person that did learn the language, he was put into a detention center with adults, he was taunted. The case—we have a law firm in DC that is taking the case pro bono, and we are still stretched out.

So I just cite these two incidents to say there is so much insensitivity on the part. And I think that I will follow up personally with them, and maybe the Committee could talk about the fact that these immigration judges should have—become familiar with IRFA requirements. Neither of these were necessarily religious persecutions, however, I just think there needs to be more training in general.

And to that end, even though—and I really don't have a question, but a couple of things that have been on my mind, this is the best opportunity to get it out. These are the last two points, but in Botswana—and our Committee is a Committee on human rights, also—you have the Bushmen, who are being persecuted, being put in camps, being kept from their way of life. And even though the President of Botswana is a very credible person, President Mogae, who has done an outstanding job in fighting HIV and AIDS and has actually kept their country in a financial positive—out of 19 of the last 20 years, they have had more income than out-go—it shows that there is a great deal of credibility in the government.

But the question of Bushmen who are the original people, really, everybody, they say, came from that region of the country, it goes, you know, undiscussed. Mrs. Stedman called me about this, and there is some concern, there is finally a group of people; Gloria Stedman, who is kind of getting interested in this.

But the other point is the untouchables in India. It makes no sense that this country is going to grow to be one of the major world powers in the world, and there is still a sect of untouchables that have to remain in a particular class, that they are looked at as less than humans. This is something that has been going on for centuries.

It seems to me that as we continue to give these most favorite nations sort of trade as we do with China and now India, that we should even tolerate, or do we ever raise the question of untouchables as it relates to just a group of people who are just considered, you are there, you can't get out, you can't climb out, we don't want you around, you have to be over there? Could you comment on ei-

ther one of those two? Although I know it is not directly with the religious questioning.

Mr. CROMARTIE. Well, can I first, Congressman Payne, comment on the question about asylum seekers? The commission did a major study and a report that came out on asylum seekers and expedited removal. And one of the recommendations, of course, that we have is that judges, as you suggest, need to know more about the religious situation that people are fleeing from. Oftentimes, as you know, people who are coming here for asylum are fleeing religious persecution, and this needs to be taken into serious consideration as to why they are here.

One of the things that we found out in our study is that asylum seekers are not given information about their rights, they are not asked questions about their experiences, religious or otherwise. They are held in prison-like facilities. In our study, our commission and the staff—especially the staff—visited a lot of these prison-like facilities and only found really one that was modestly humane in Broward County. Individuals are often held for months on end without any legal counsel. And judges, one of the most striking things is that judges are not aware of the USIRF reports, or the reports from the State Department about religious persecution in these countries and why these people might be there.

So there are several layers of needs for education, as you suggested in your comments.

Mr. PAYNE. Thank you. On those other areas——

Mr. CROMARTIE. Well, let me say on Botswana and the Bushmen, the staff and the commission will take up that issue and perhaps get back to you on that, because we have not issued a report on that.

Mr. PAYNE. And maybe take a look at the untouchables——

Mr. CROMARTIE. Absolutely.

Mr. PAYNE. They have been around a long time. And as much as I love Ghandi and his leadership in nonviolence, this question of untouchables just continues to be something no one wants to talk about. And I just can't see it in the new millennium that some caste system that started thousands of years ago is still tolerated. And so——

Mr. CROMARTIE. Well, let me just say that we will monitor that situation and get back to you on that.

Mr. PAYNE. Thank you very much.

Mr. CROMARTIE. Thank you, sir.

Mr. SMITH. Thank you. Mr. Cromartie, thank you so much for your testimony. Both I, and I am sure Mr. Payne, have numerous questions we would like to pose, but time doesn't permit it, but if you could get back to us in a timely fashion.

Mr. CROMARTIE. Mr. Chairman, I would like to just say that I commend you for your plans for an oversight hearing on asylum seekers. And we look forward to helping you with that and being part of that if we can.

Mr. SMITH. I just got from the archives the original markup, which happened in our Committee, and we laid it out in great detail about the report. And just, you know, if this isn't being followed the way it ought to be, we need to know it. So let's work together on that.

Mr. CROMARTIE. Thank you, sir.

Mr. SMITH. Thank you very much.

I would like to ask the third panel to make its way to the witness table. And I just would point out that Bishop Ricardo Ramirez is in a meeting—or has to return to a meeting with the Catholic bishops who are meeting in an international meeting a couple of miles away from here, so he will have to leave. If it is okay with the other witnesses, I would like to ask him to go first. Maybe Mr. Payne and I will pose a couple of questions, and then ask the remainder of our panel to continue.

So I will just introduce Bishop Ramirez now, and then more formally introduce our other distinguished guests, as well, after that.

The Most Reverend Ricardo Ramirez is currently the Bishop of Las Cruces in New Mexico. Bishop Ramirez currently serves as a member of the New Mexico Advisory Committee on the U.S. Commission on Civil Rights and is a member of the U.S. Conference of Catholic Bishops' International Policy Committee. He has also served as a member of the U.S. State Department Advisory Committee on Religious Freedom Abroad and was chairman of the USCCB's Catholic Campaign for Human Development.

Bishop Ramirez was also elected as delegate for the United States at the 1977 Synod for America. Bishop Ramirez is currently serving as commissioner of the United States Commission on International Religious Freedom.

After his testimony, as I said, we will go to some questions, and then proceed with the remainder of the panel.

Please, Bishop, proceed.

**STATEMENT OF THE MOST REVEREND RICARDO RAMIREZ,
C.S.B., BISHOP OF LAS CRUCES, NEW MEXICO, UNITED
STATES CONFERENCE OF CATHOLIC BISHOPS**

Reverend RAMIREZ. Mr. Chairman, and Distinguished Members of the Subcommittee, allow me to thank you for the opportunity to offer testimony on the topic of Religious Freedom. Let me also express my appreciation to you for your leadership in lifting up the importance of protecting religious freedom, and helping to make it a more central priority for U.S. foreign policy.

While I am honored to be a member of the U.S. Commission on International Religious Freedom, I am here today representing the views of the United States Conference of Catholic Bishops where I serve as a member of the Conference's Committee on International Policy. So today I am wearing the bishop's hat.

I will summarize my remarks and ask that my full written testimony be entered into the record.

Mr. SMITH. Without objection, your full statement and that of all our panelists will be made a part of the record.

Reverend RAMIREZ. From the perspective of Catholic teaching, religious freedom is a first of our freedoms. The late John Paul II said, "The most fundamental freedom is that of practicing one's faith openly, which for human beings is the reason for living."

It is essential to point out that religious liberty begins with the right to worship according to one's conscience, but it does not end there. Religious freedom covers a broad range of vital activities, from freedom of worship to freedom of conscience, from the right

to establish schools and charities and to the right to participate in and seek to influence public affairs. Religious freedom is the right of both individuals and religious communities.

As pastors within a universal church, we hear the cries of believers of all religions around the world who suffer persecution, violence and discrimination, simply because they are people of faith. Delegations of our bishops' conference have journeyed to many lands to express our solidarity. We have issued public appeals for legal protections, protested killings and detentions, met with victims and promoted their rights with officials of the U.S. and foreign governments. We listen carefully to their pleas of those who suffer persecution and discrimination. Our experience is that the victims of religious persecution are often the most reliable providers of information and guidance.

Before commenting on specific countries, I wish to highlight one broad trend that we believe deserves greater attention. Perhaps the most significant challenge to religious freedom and to forging constructive roles for religion in world affairs is a relationship between Christianity and Islam.

The violence in Afghanistan and Iraq, on-going conflicts in the Middle East, and several conflicts in Africa come dangerously close to being perceived in simplistic terms as a new contest of East versus West, or Islam versus Christianity.

Like Christianity, Islam is a religion with different expressions. Tensions among these expressions of Islam have been exacerbated by the rise of militant Islam and the misuse and perversion of faith to justify violence. In our own dialogue with Islamic leaders, we hear the question, What religious vision of Islam will gain ascendancy in the hearts of minds of Muslims? A more tolerant, inclusive, and engaged Islam? Or a more fundamentalist, exclusive, isolationist Islam? All religions, including Christianity, have in the past and are today wrestling with a similar question, it is a source of pain to acknowledge that as Christians, we have, at times, failed to extend the tolerance and understanding that we ourselves expect.

The response of major political leaders in the West has been to declare that the struggle against terrorism is not a war against Islam; our conference supports this view. But political leaders alone are unable to offer a satisfactory response to this challenging situation, religious leaders must assist by entering into serious dialogue that seeks deeper understanding.

The Declaration on the Relation of the Church to Non-Christian Religions of the Second Vatican Council, the name of it in Latin is *Nostra Aetate*, declared its esteem for Muslims and committed the church to interfaith dialogue. Authentic dialogue cannot be just vague expression of good will, empty of a search for truth and unity. Genuine interreligious dialogue can only be a force to heal divisions if dialogue safeguards and respects the truth in each religion and culture. Both the Holy See and our conference are carrying forward the important dialogues with Islamic leaders to deepen understanding and cooperation.

Mr. Chairman, I now offer very brief commentary on three of the eight countries that are covered in our written testimony.

Iraq. The efforts of the Iraqi people to determine their own future are commendable, and we hope they will lead to a stable democracy. However, we are very concerned about the religious freedom provisions of the new Constitution adopted in October. While the Constitution includes some helpful language regarding religious freedom, it also contains contradictory and ambiguous language that is deeply troubling. Although the Constitution promotes religious freedom, some provisions circumscribe religious liberty by not allowing any law to contradict the principles of Islam, and by authorizing the appointment of experts in Islamic law to serve on the Supreme Court, even if they have no training in civil law.

Our conference has made these concerns known to the Administration and expressed our solidarity with the church in Iraq. We hope that the United States Government and the Congress will encourage Iraqis to adopt implementing legislation that respects religious freedom.

The People's Republic of China. I had the privilege of visiting China last August as part of a delegation of the U.S. Commission on International Religious Freedom. The People's Republic of China continues to present a serious challenge to religious freedom. The Chinese Catholic Patriotic Association (CCPA), the government agency that monitors the activity of the church, is an offensive anachronism that we hope will disappear in time.

The unregistered Catholic Church suffers far greater restrictions as bishops, priests, religious and lay leaders are under constant surveillance. Many have been arrested and jailed for carrying out their sacramental ministry, another few have paid the ultimate price for their uncompromising fidelity.

We are hopeful that the long break between the Holy See and the Chinese Government, begun with the 1951 expulsion of the Vatican representative, may come to an end. As the UN pursues its economic, diplomatic military and other relationships with China, religious liberty and other human rights matters must have a place in the United States-China dialogue.

Cuba. The Catholic Church, in particular, continues to experience unacceptable limitations on its life and mission in Cuba. Parents are not free to choose alternatives to the state schools for the education of their children, and the church is not free to conduct such schools. The church is still denied access to the major media. A majority of clergy and other church workers from abroad are not granted visas. Church services are held freely, but Cuban bishops have noted an increase in the number of state security agents attending mass with the evident purpose of discouraging any dissident behavior. The Communist Party's Office of Religious Affairs maintains strict control over church activities.

As strongly as we stand with the bishops and the church in Cuba over the issue of religious freedom, we join them in opposing the United States embargo as an ineffective and counterproductive policy that harms the poor and the vulnerable and gives the Cuban regime an excuse for its own failed policies.

As a religious community, our own faith and our respect for the faith of others commit us to defend and promote religious freedom as a moral priority. Religious liberty also lies at the heart of our Nation's principles. The cause of religious liberty must be a funda-

mental priority in our Nation's foreign policy and in our country's own internal life. In the words of Pope Benedict XVI, "The defense of religious freedom . . . is a permanent imperative. . . ."

And I would add this addendum. We are also concerned that our Nation is closing the door to those who flee religious persecution. The recent adoption of the REAL ID Act of 2005, which makes it more difficult for asylum seekers to obtain protection in our country, as well as the expansion of expedited removal along our southern border, are examples of our Nation retreating from its historic role as a safe haven for the religiously persecuted. Thank you for your consideration.

[The prepared statement of Reverend Ramirez follows:]

PREPARED STATEMENT OF THE MOST REVEREND RICARDO RAMIREZ, C.S.B., BISHOP OF LAS CRUCES, NEW MEXICO, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

Mr. Chairman and distinguished Members of the Subcommittee, allow me to thank you for the opportunity to offer testimony before the committee on the topic of religious freedom. Let me also express my appreciation to you for your leadership in lifting up the importance of protecting religious freedom and helping to make it a more central priority for US foreign policy. While I am honored to be a member of the US Commission on International Religious Freedom, I am here today representing the views of the United States Conference of Catholic Bishops. I serve as a member of the Conference's Committee on International Policy. The Committee's mandate includes the promotion of human rights and religious freedom. I will summarize my remarks and ask that my full written testimony be entered into the record.

The United States Conference of Catholic Bishops welcomes the increased attention to, and seeks greater priority for, the issue of religious freedom. The creation of the Office of International Religious Freedom in the Department of State and the US Commission on International Religious Freedom are hallmarks of a growing commitment to make international religious freedom central to US foreign policy. Our Conference vigorously advocated for the establishment of both of these essential structures. We work cooperatively with the Office and the Commission and appreciate their efforts on behalf of religious freedom. The 2005 report issued last week on the status of religious freedom around the world is a vital sign of the importance of this issue and of the progress yet to be made for justice, freedom and world peace.

Our Experience and Perspective

From the perspective of Catholic teaching, religious freedom is the first of our freedoms. The late Pope John Paul II said that "The most fundamental human freedom is that of practicing one's faith openly, which for human beings is their reason for living."¹ In its *Declaration on Religious Freedom (Dignitatis Humanae)*, the Second Vatican Council declared that "the right of religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and reason itself."² The Universal Declaration of Human Rights relies on human reason, and Catholic teaching is based on both reason and religious faith, but both the UN Declaration and Catholic teaching share the understanding that human dignity is the basis for human rights. This shared understanding has fostered collaboration among groups across a wide spectrum of the international community in promoting respect for the full range of inalienable and universal human rights, especially religious liberty.

It is essential to point out that religious liberty begins with the right to worship according to one's conscience, but it does not end there. Religious freedom covers a broad range of vital activities, from freedom of worship to freedom of conscience, from the right to establish schools and charities to the right to participate in and seek to influence public affairs. Religious freedom properly understood is inextricably linked to other fundamental human rights, such as freedom of association, freedom of speech, and legal recognition of voluntary associations. Religious freedom is a right of *both* individuals and religious communities.

For the Catholic bishops religious freedom has many faces. As pastors within a universal Church, we hear the cries and share the pain of believers of all religions

¹ World Day of Peace Message, January 1, 1988.

² *Dignitatis Humanae*, 1965 #2.

around the world who suffer persecution, violence and discrimination simply because they are people of faith. We stand in solidarity with our suffering brothers and sisters to offer our support and express their hopes. From religious persecution in the former Soviet Union and its satellites in Eastern Europe and Central Asia, to the human rights struggles in Central and South America, from today's challenges to religious freedom in China and Vietnam, Sudan and Nigeria, to those in Russia and Saudi Arabia, the Holy Land and elsewhere, our Conference has worked—sometimes visibly, and sometimes of necessity quietly—to defend, promote and advance religious liberty. Delegations of our bishops' Conference have journeyed to many lands to express our solidarity. The Conference has issued public appeals for legal protections, protested killings and detentions, met with victims and promoted their rights and dignity with officials of the United States and foreign governments. Our Conference is committed to continuing this defense of, and advocacy for, religious freedom consistently and persistently.

In our activities, we listen carefully to the pleas of those who suffer persecution and discrimination and learn from their everyday experiences. We seek their counsel on how best to stand with them and help them to secure their rights. For us, this means consulting closely with local Catholic bishops, other religious leaders and with the Holy See. Our experience and conviction is that the victims of religious persecution are often the best informed sources of their situation and the most reliable providers of information and guidance.

During the Cold War, violations of religious freedom were largely state-sponsored. Dictatorial and oppressive regimes often sought to crush any opposition or expression of liberty. Religion, because it is so important to people's identity and self-expression, was frequently a deliberate target of state suppression. To allow religion a space in the public square was too dangerous for many regimes. Even though there has been a global resurgence of religion in the post Cold War era, we must remain vigilant in protecting religious freedom from state control and interference. While global communism has receded, China, Vietnam, Cuba, North Korea and other states still often attempt to control and interfere with religious belief and practice.

In our day there is also a new recognition of the pluralism of religious belief. We live shoulder to shoulder with others of different beliefs or no belief at all. Even in countries where one religion predominates, living in complete religious isolation is no longer possible. Religious pluralism is now a global phenomenon. Global communications make us a virtual village. Increased immigration makes us actual neighbors. These new realities can lead to either greater respect for others of differing religious belief or to potentially destructive conflicts. The challenge before all of us today is to help build a global culture of respect for religious freedom as a guarantor of human dignity and a contributor to justice.

Two Major Challenges

Before commenting on countries mentioned in the recently released 2005 report on religious freedom by the Department of State, I wish to highlight two broad trends that we believe deserve greater attention.

First, we believe governments and elected officials have an important role to play in valuing and safeguarding the proper place of religion in public life. While the state and religion clearly differ in their roles, they share a goal of building up the common good for the benefit of the entire society. This value is enshrined in constitutional principle by protecting the autonomy of government and religious institutions but assuring the means by which they can cooperate over shared interests in education, healthcare, and public welfare. Faith should be respected and welcomed in public life and the particular character of religious communities should be valued along with other forms of association and civic engagement. History teaches that societies in which faith is marginalized and impoverished are diminished societies.

We recognize that the issue of religious freedom in our own nation does not come under the purview of this Subcommittee; however, if the United States is to be a leader in supporting religious freedom, we must acknowledge that our nation's treatment of religious freedom impacts the credibility of U.S. leadership as our nation seeks to influence other peoples and countries that look to us as an example.

Let me turn to a second concern. Perhaps the most significant challenge to religious freedom and forging constructive roles for religion in world affairs is the relationship between Christianity and Islam. The violence in Afghanistan and Iraq, ongoing conflicts in the Middle East and several conflicts in Africa come dangerously close to being perceived, in simplistic terms, as a new contest of east versus west, of Islam versus Christianity.

This challenge requires careful and deep reflection, respectful dialogue and candid discussion. Like Christianity, Islam is a religion with different expressions. Tensions

among these expressions of Islam have been exacerbated by the rise of militant Islam and the misuse and perversion of faith to justify violence. In our own dialogue with Islamic leaders, we hear these kinds of questions: How will societies meet the social, political and economic aspirations and needs of their citizens? Will violence against the innocent be repudiated and resisted? What religious vision of Islam will gain ascendancy in the hearts and minds of Muslims—a more tolerant, inclusive and engaged Islam, or a more fundamentalist, exclusive, isolationist Islam? All religions, including Christianity, have in the past and are today wrestling with similar questions. It is a source of pain to acknowledge that as Christians, we have at times failed to extend the tolerance and understanding that we ourselves expect.

The perception of a contest between east and west is exacerbated by the experience of colonialism that the last is remembered by many in the Middle East, Africa and Asia. The introduction of outside secular influences often causes tensions in these societies. These conflicts in turn can lead some in the Islamic world to conclude, rightly or wrongly, that their culture and religious beliefs are under assault by the West. In this context misuse and distortions of religion tragically serve the political goals of extremists. Terrorism is used for many purposes, none defensible, including the goal of coercing other Muslims to abandon their own convictions and adopt a more extreme version of Islam. Casting their conflict as one with Christianity, or with Judaism, extremists attempt to make their political causes seem as religious obligations.

The response of major political leaders in the West has been to declare that the struggle against terrorism is not a war against Islam. Our Conference supports this view. But political leaders alone are unable to offer a satisfactory response to this challenging situation. Religious leaders must assist by entering into serious dialogue that seeks deeper understanding.

In *The Declaration on the Relation of the Church to Non-Christian Religions (Nostra Aetate)*, the Second Vatican Council declared its “esteem” for Muslims and committed the Church to interfaith dialogue. Authentic dialogue cannot be just vague expressions of good will, empty of a search for truth and unity. Genuine inter-religious dialogue can only be a force to heal divisions if dialogue safeguards and respects the truth in each religion and culture. Attempts to denigrate or distort the particular character, beliefs or practices of respective religious communities can itself be an offense against human dignity and basic human rights. Efforts to compel religions to alter fundamental tenets or moral principles can lead to further stumbling blocks on the path to peace.

Promoting religious freedom and improving relations between Christians and Muslims are complementary goals that demand honesty, intellectual rigor and commitment to one’s own faith tradition. As Pope Benedict XVI said in his August 20 meeting with Muslim leaders: “Interreligious and intercultural dialogue between Christians and Muslims cannot be reduced to an optional extra. It is in fact a vital necessity. . . .” Both the Holy See and our Conference are carrying forward important dialogues with Islamic leaders to deepen way to foster understanding and to determine what can be done cooperatively. Dialogue can clarify differences, increase understanding and reduce tensions. Our bishops’ Conference remains committed to this vital task.

The Religious Freedom Report and Country Concerns

Mr. Chairman, I will offer very brief commentary on a few of the issues raised in the Report on International Religious Freedom, concentrating principally on those countries with which our Bishops’ Conference has concerned itself in recent years. I emphasize that these remarks are not comprehensive and refer you to more detailed articulations of our concerns.

Iraq. The efforts of the Iraqi people to determine their own future are commendable and we hope they will lead to a stable democracy that respects the full range of human rights, including religious freedom. However, we are very concerned about the religious freedom provisions of the new constitution adopted in October. While the constitution includes key affirmations of basic human rights, including some helpful language regarding religious freedom, it also contains contradictory and ambiguous language that is deeply troubling and confusing. Even though the constitution promotes the concept of religious freedom, some provisions circumscribe religious liberty by not allowing any law to contradict the principles of Islam and by authorizing the appointment of experts in Islamic law to serve on the Supreme Court, even if they have no training in civil law.

These concerns are alarming to the Chaldo-Assyrian community and other religious minorities within Iraq. Chaldean Patriarch Emmanuel Delly III of Baghdad met with Iraqi President Jalal Talabani and Prime Minister Ibrahim Jaafari on September 18 requesting that Article 2.1(a) be removed from the constitution. This

article states that “no law that contradicts the established provisions of Islam may be established.” The Patriarch, together with other bishops and religious leaders of other minority communities, rightfully worry about the possibility of discrimination, second class citizenship and persecution unless the constitution and laws that will implement the constitution guarantee full and unhindered religious freedom. Already thousands of Christians and other minorities have fled Iraq fearing discrimination and persecution in the wake of repeated instances of violence and harassment. Our own Conference has made these serious concerns known to the Administration and other government officials and expressed our solidarity with the Church in Iraq. We hope that the U.S. government, the Congress and this subcommittee will encourage Iraqis to adopt implementing legislation that respects religious freedom.³

The Fundamental Agreement with Israel. Our Conference very much welcomed the Fundamental Agreement of 1993 between the Holy See and the State of Israel and the mutual recognition that it brought about. The Fundamental Agreement is needed to govern the legal status of the Church in Israel, but we are deeply dismayed at the lack of progress over the last dozen years. We fear there may be a lack of commitment on the part of elements of the government of Israel to conclude successfully the negotiations with the Holy See over economic matters and other vital concerns to the Catholic Church and the wider Christian community in the Holy Land. We should be clear that the institutions whose tax status is under discussion in the 1993 agreement with the Holy See are at the service of the people of the Holy Land and are not simply investments or holdings of the Vatican. Our concerns as Catholic bishops for the Church in the Holy Land do not ignore or minimize the suffering of Israelis and Palestinians in that conflicted region. However, we believe the issues between the government of Israel and the Holy See are of great importance for religious liberty, not only for the Catholic Church but for the vitality of the all Christian communities within Israel. We urge the Administration and Congress to address these matters with the government of Israel and to encourage these essential negotiations to move forward expeditiously and judiciously to a resolution satisfactory to both parties.⁴

The People's Republic of China. I had the privilege of visiting China last August as part of a delegation of the US Commission on International Religious Freedom. The Peoples Republic of China continues to present a serious and unavoidable challenge to religious freedom. The state-approved and state-controlled religions, including the registered Roman Catholic Church, are apparently freer today than they were some few years ago, and are treated better than they were during the years of harshest persecution during the Cultural Revolution. Nevertheless, control over the everyday life of the Church, less intrusive in some places than in others, still represents an unwarranted interference of the State in the life of the Church. The Chinese Catholic Patriotic Association (CCPA), the government agency that monitors the activity of the Church, is an offensive anachronism that, one hopes, will disappear in time.

As is widely known, the unregistered Catholic Church suffers far greater and unacceptable restrictions. Its bishops, priests, religious and lay leaders are under constant surveillance, many have been arrested and jailed for simply carrying out their sacramental ministry, and not a few have paid the ultimate price for their uncompromising fidelity to their faith. The Church in the U.S. continues to stand with and support the rights of our Chinese sisters and brothers in faith. The U.S. should do the same in concrete and continuing ways. Fortunately there are indications in recent months that the “two faces of the Church in China,” as the Holy See has often referred to the Catholic community in China, are overcoming in practice some of the divisions that the State seeks to perpetuate. Also in recent months, we are hopeful that the long break between the Holy See and the Chinese government, begun with the 1951 expulsion of the Vatican representative, may come to an end. As the U.S. pursues its economic, diplomatic, military and other relationships with China, reli-

³cf. Letter to Secretary Condoleezza Rice and National Security Advisor Stephen Hadley, Bishop John Ricard, August 8, 2005; Letters to Secretary Colin Powell and Interim Prime Minister Iyad Allawi on Iraqi Christians, Bishop John Ricard, October 22, 2004.

⁴cf. Letter to Secretary-Designate Condoleezza Rice on Negotiations between Israel and the Holy See, Bishop William Skylstad, January 13, 2005; Letter to Ambassador Daniel Ayalon on Negotiations between Israel and the Holy See, Bishop William Skylstad, January 18, 2005; Letter to Ambassador Ayalon on Visas for Church Personnel in the Holy Land, Cardinal William Keeler and Bishop John Ricard, April 7, 2004; Letter to President George W. Bush on the Deteriorating Situation in the Holy Land, Bishop Wilton Gregory, April 13, 2004.

religious liberty and other human rights matters must have a central and continuing place in the U.S.-China dialogue.⁵

The Indian Subcontinent—India, Pakistan, and Bangladesh. These three countries have relatively small, but disproportionately influential Christian, including Catholic, minorities. In each of them, there have been shameful attacks on Christians, resulting in the burning of churches, false accusations of blasphemy—a capital offense in some Muslim states—and not a few killings. In each country, the State has stated or made excuses about its inability to control isolated groups of fanatics, but it seems abundantly clear that much more can be done to insist that each of these states act with greater conformity with international law and greater respect for religious rights.⁶

Burma. The decades-long pattern of the denial of fundamental human rights, including religious rights, in Burma is well known. The situation in Burma clearly merits consistent and active monitoring and requires a serious effort to work for greater freedom and respect for human rights and religious liberty, but we would register the opposition of the Catholic Church in Burma to the imposition of economic sanctions as counter-productive and as likely to impact most harshly the vulnerable in society.

Cuba. The state of religious freedom in Cuba has gone through several phases since 1959. From the outright persecution and expulsion of clergy and religious sisters and brothers of the early years to the present, the Catholic Church, in particular, continues to experience unacceptable limitations on its life and mission.

In Cuba parents are not free to choose alternatives to the state schools for the education of their children and the Church is not free to conduct such schools. In recent years the Church has been able to publish a number of small diocesan papers, but is still denied access to the major media. Some clergy and other church workers from abroad have been permitted to work in Cuba for a set period of time, but the majority of requests for visas have not been granted. Church services are held freely throughout the country, but Cuban bishops have noted that there has been an increase in the number of State Security agents attending Mass with the evident purpose of discouraging any dissident behavior. This practice has been especially observed at Havana's St. Rita's Church where the Damas de Blanco, the Ladies in White, gather weekly for Mass and then hold their peaceful march in support of their imprisoned husbands. These women have just been awarded the European Parliament's Sakharov Prize. Most of their husbands were part of the 2003 arrests of independent journalists and of people associated with the Varela Project of Oswaldo Payá. Our Conference has strongly urged their release.

The Constitution of 1976 states that it "is illegal and punishable by law to oppose one's faith or religious belief to the Revolution." As in other countries under Communist rule, the Communist Party has an Office of Religious Affairs which maintains strict control over church activities. This necessarily represents a type of interference in the freedom of religion that is incompatible with human rights and religious freedom.⁷ As strongly as we stand with the bishops and Church in Cuba over the issue of religious freedom, we join them in opposing the embargo as an ineffective and counter-productive policy that harms the poor and the vulnerable and gives the Cuban regime an excuse for its own failed policies.⁸

Russian Federation. Another nation that has gone through dramatic changes in recent years is the Russian Federation. While the Catholic Church has seen some improvements in the last two years, the overall situation of human rights remains tenuous, uncertain and in some ways is deteriorating. Local officials often act on legitimate religious concerns arbitrarily and unfairly. For these reasons, developments

⁵cf. Letter to Chinese Ambassador on Detained Priests and Bishops, Bishop John Ricard, March 11, 2005; Letter to Chinese Ambassador on Arrest of Priests, Bishop John Ricard, August 24, 2004; Letter to President George W. Bush on Religious Freedom in China, Bishop Wilton Gregory, February 13, 2002.

⁶cf. Letter to Indian Ambassador on Anti-Christian Attacks, Archbishop Theodore McCarrick, February 22, 1999; Letter to Pakistani Ambassador on Intolerance in Bahawalpur, Cardinal Bernard Law, November 2, 2001; Letter to President Bush on Violence in Bahawalpur, Cardinal Bernard Law, November 2, 2001; Letter to Secretary Albright on religious Freedom, Archbishop Theodore McCarrick, December 2, 1998; Letter to Pakistani Ambassador on Blasphemy Law, Bishop Daniel Reilly, February 22, 1995.

⁷cf. Letter to Hon. José Serrano on Travel Restrictions to Cuba, Bishop John Ricard, July 19, 2005; Cuba Background Paper, USCCB Department of Social Development and World Peace, February 2005; Letter to House of Representatives on Travel to Cuba, Bishop John Ricard, July 22, 2004; Statement on Arrest of Cuban Dissidents, Bishop John Ricard, April 8, 2003.

⁸We also note that the US Office of Foreign Assets Control has recently changed its policy for the issuance of travel licenses to Cuba that hinder the ability of religious entities to engage in religious activities in Cuba. This new policy is a hostile treatment to religious entities that are mediating communities distinct from the Cuban regime.

in Russia require continued careful monitoring and government leaders need appropriate encouragement to observe, practice and comply with international norms regarding fundamental human rights and religious freedom.⁹

Conclusion

As a religious community, our own faith and our respect for the faith of others commits us to defend and promote religious freedom as a moral priority and human responsibility. We seek to protect the right of our Church and all other religious communities to exist and to express their faith in society and the public sphere as well as in private worship. Our bishops' Conference defends the right of religious communities to engage in public debate and to offer their moral vision, their values and their view of the common good. What our government says and does to protect and promote religious freedom and to advance other human rights has much to say about what kind of society we are and how our nation can exert a positive or negative influence on others.

Our own society needs to understand better the contributions that religious communities can make toward the resolution of conflicts and the building up of a culture of justice and peace. There is little doubt that we must devote more attention to understanding and engaging Islam. This direction is imperative in today's world and perhaps the most significant challenge we face.

Promoting religious freedom is critical to the Church's life and mission and to international peace. It is also at the heart of our nation's principles. The cause of religious liberty must be a fundamental priority in our nation's foreign policy and in our country's own internal life. My hope is that this religious freedom report and the work of our government, in cooperation with religious communities and human rights advocates, can advance religious freedom and human rights in important and concrete ways. In the words of Pope Benedict XVI, "The defense of religious freedom . . . is a permanent imperative. . . ."

Mr. SMITH. Thank you so very much, Bishop, for your testimony, for your extraordinary service and for your trip most recently to China. And if I could ask you on that, if you might give us some insights as to what you saw. I know that in the past, the commission was reluctant to travel to China because of restrictions that were put on it. I remember talking to Cardinal McCarrick when he was concerned that if you don't have access to people without the fear of retaliation, you don't have access. And I am wondering, for example, did you meet with individual believers, or were you able to while you were in China?

And secondly, I am glad and not surprised to hear you say that the Catholic Patriotic Association is an offensive anachronism. I have met with those people as well in Beijing, and it always struck me as strange that governments—Communist governments—throughout the world always have atheists in charge of associations and government ministries, like in Cuba, as we saw for years in Charcesko's Romania and elsewhere, who not only are non-believers, but in many cases, absolutely loathe everything religious, and they are then in charge of the office. Talk about an adversarial relationship, there are few that compare.

But if you can talk a little bit about the Catholic Patriot Association and your thought that it may disappear at some time.

Reverend RAMIREZ. We would hope that would happen. We understand there are negotiations between the Vatican and the Chinese Government, but we are not privy as to exactly what is going on. We do know that in the appointment of the new bishop of Shanghai, for example, that there were negotiations with the Vatican, that the present bishop went to the Vatican and then nego-

⁹cf. Letter to Representatives Young and Kolbe on Religious Freedom in Georgia, Bishop John Ricard, October 27, 2003; Letter to the Embassy of the Russian Federation on Actions Taken against the Catholic Church in Russia, Gerard Powers, April 23, 2003.

tiated with the government so that the new bishop who was about to take over after the old bishop dies or resigns, would have the approval both of the government and of the Vatican. So we see that as a breakthrough, and it gives us hope that for the future, there will be better relations between the Vatican and the government on bishops' appointments.

Mr. SMITH. Can I just ask you with regards to Russia—I have talked to a number of government leaders in the Duma, as well as in Putin's Government, about the inability of many Catholic bishops to get their visas and go to serve in Russia. And I am wondering if that has abated at all, or is it still a problem—

Reverend RAMIREZ. In Russia?

Mr. SMITH. To move to Russia.

Reverend RAMIREZ. I am not familiar with the present details of that, I can get back to you on that. But we know that in the recent past, there was a denial of visas for religious workers to come into Russia.

Mr. SMITH. If you could, that would be great if you would get back to us on that.

And, finally on Islam. You point out that religious leaders must take the lead in serious inter-concessional dialogue to bring about greater understanding. How can governments facilitate that as well? You heard in response when I talked about Larry Uzzell's criticism of the State report, Ambassador Hanford said, I am paraphrasing, that government workers are not theologians, but if we don't properly analyze the trends and really get into the heads of people of faith—which I am one that I am talking about—in a bureaucratic sense, how are you going to understand what they are doing and why things happen? Then you wonder why it happened because you don't have that understanding. What can we do to—is there a way of facilitating more of that?

Reverend RAMIREZ. Speaking as a bishop, speaking for the Catholic Conference, I think what we are promoting is dialogue, first of all, that we understand, bishops understand what Islam is all about. I am glad that some of our Catholic Universities, in particular, have Islamic studies. For example, Georgetown has established an Institute of Islamic Studies, Notre Dame has a similar institute, and some of the other Catholic universities. So that needs to be done. But we also need to educate our people on all this. People make general statements on Islam that are unjust and don't serve to the betterment of relations. And I think we just have a lot of education to do.

Mr. SMITH. Let me just conclude by, again, thanking you and thanking the bishops, thanking the Pope for the leadership on human rights in general, but religious freedom in particular. As the Pope has said so well, this is the first right which all others cluster around. And I know that my work, I have been in Congress 25 years, everywhere I go on religious freedom, on any human rights issue, the church is there offering me great, great suffering itself of its people, of its bishops, of its priests to speak clearly and unambiguously about the value and the dignity of human life and human rights.

And I recall in the Sandinistas, several trips down to Central America, it was the human rights offices of those Central American

countries, but particularly the cardinal who stood up under great pressure from the Sandinistas to make clear that rights abuses committed by anyone, left or right are absolutely unacceptable. The church has been very, very clear on that.

And even in Zimbabwe today, the bishop there is speaking out very candidly against the cruelty of that dictatorship. So there are concerns all over the globe.

But before you were here, I mentioned that in the early 1990s, I visited and mass was celebrated by Bishop Shu of Balding province, and the clarity that he had and the lack of malice toward the dictatorship that had cruelly imprisoned him and tortured him, and like so many of us, I found saintly. If somebody did this to me, I would want to retaliate. He had nothing but love and compassion for those who had so mistreated him. We see that among many clergy who are suffering in China and elsewhere today, and I want you to know it is an inspiration that such men and women of God are bringing light where there is a lack of it, so I want to thank you.

Mr. Payne.

Mr. PAYNE. Thank you.

I, too, would like to commend you for the work that you do, and the people of the church and Catholic Church. I remember Cardinal McCarrick's trip to China where he insisted that he be allowed to visit some dissenters that were in prison. And he was—we miss him in the Newark Archdiocese. He got promoted to bigger things here in Washington, but he did a fantastic job and was a person that I still admire tremendously. And I agree—and we recently had trips from bishops from Darfur and from Juba in Sudan, and they stand up against this ruthless regime of murderers in Khartoum. And they have so much courage.

Even Catholic University of New Jersey, my alma mater, Seton Hall, had the courage to invite the former President of Iran—not the current President before the election—to come to Seton Hall to have a dialogue. Of course it took courage, but they were criticized, why would you have an Islamic person come to the Catholic University? But I think it showed that they were strong and attempting to have understanding and dialogue, because when you have dialogue, you keep from fighting. When you stop dialogue, then you many times do the next thing and go to war. And once you go to war—as we see, it is easy to go to war, it is hard to get out of war.

In your opinion, did the late Pope John Paul's trip to Cuba have any immediate effect positively after that? And of course, in your opinion, has that waned? And would another—if it would be allowed—visit from the new Pope, you think, have any impact on the Castro regime in changing his position?

Reverend RAMIREZ. Well, I think you used the correct word when you said “the immediate reaction.” The immediate reaction was positive. There was a feeling that things were going to get better. Unfortunately that spirit and that reality did not change, it may have taken a step forward but it took two or three steps backwards.

And then you heard of some of the things that I reported on and some other things that have been reported, things are not better, they may even be worse than they were when John Paul II visited.

I don't know anything about the possibility of Benedict XVI visiting, but I doubt if there is anything at all in the making.

Mr. PAYNE. Finally, I agree with you on—I, too, oppose the embargo, I think it is an ineffective and counterproductive policy, it harms the poor. It, as I said, gives the Cuban regime an excuse for a failed policy to say, “Look what they are doing to us.” And I think it really makes no sense to hinder the ability of religious entities from going into Cuba and engaging. I think when Perestroika and Glasnost happened in the USSR at the time was because there was a liberalization and people from the United States of America could get into that place and have discussions. And the people decided gradually that they were able to throw off the yolk of communism.

And so I am very saddened by this new policy which makes it almost virtually impossible for—even difficult—for Members of Congress to visit. Thank you.

Reverend RAMIREZ. Thank you very much. Thank you, Congressman, for your interest, your profound interest in these issues.

Mr. SMITH. Thank you very much, Bishop, I appreciate it.

I would like to now introduce our four remaining panelists and thank them for their extraordinary work. I know each of you—both of us know you very well, and you all have been leaders in the human rights support for so many years.

Let me begin first of all with Nina Shea, who serves as a Commissioner on the U.S. Commission on International Religious Freedom. She is co-author of a newly released book on governance by extreme sharia, *Radical Islam's Rules*, and the author of a widely-acclaimed book on anti-Christian persecution around the world titled, *In the Lion's Den*.

In 2005, she edited a path-breaking report on publications by the Government of Saudi Arabia promoting an ideology of hate in America. She has written and contributed to several articles and publications, such as the *New York Times* and the *Wall Street Journal*. And in 2001, Ms. Shea was appointed by President Bush to serve on the U.S. Delegation to the UN Commission on Human Rights in Geneva.

Then, we will hear from Tom Malinowski, who has been Washington Advocacy Director for Human Rights Watch since April 2001. Prior to joining Human Rights Watch, he was a special assistant to President Bill Clinton. From 1994 to 1998 he was a speechwriter for Secretary of State Christopher and Secretary of State Albright, and a member of the State Department Policy Planning Staff. He has also worked for the Ford Foundation as a legislative aid to U.S. Senator Daniel Patrick Moynihan. Mr. Malinowski is a member of the Council of Foreign Relations.

We will then hear from David Aikman, who is an award-winning print and broadcast journalist, an author, and foreign policy consultant. He is the author of two groundbreaking books, *A Man of Faith: The Spiritual Journey of George W. Bush*, published in April 2004, and *Jesus in Beijing: How Christianity is Transforming China and Changing the World Balance of Power*, published in 2003.

After leaving *TIME Magazine* in July 1994, Mr. Aikman joined the Washington-based Ethics and Public Policy Center as a senior fellow from 1998 to 2002. He has been a witness at congressional

hearings on China and on Christian persecution, and most recently, to the Congressional-Executive Commission on China in July 2003. Mr. Aikman is also a founder and chairman of Gegerapha, a global fellowship of Christian journalists.

Let me note that after Tiananmen Square, when General Cho Ha Tien made that infamous statement at the War College that nobody died indeed at Tiananmen Square, within 2 days we put together a group of people who were there and saw the killing and the maiming that occurred on Tiananmen Square. We invited General Chu, who didn't show up, or anybody from the Chinese Embassy, but Mr. Aikman, who was there, gave expert eyewitness testimony about what had happened during those infamous days.

Then we will hear from Larry Uzzell, who is a Jamestown fellow who opened Jamestown's Moscow office in 1992. He is a specialist in the former Soviet Union, and I remember when we used to rely on him with the Helsinki Commission from the Kenston Institute for so many years, and other works that he did, he has been a specialist and has worked for many, many years, is widely published in the American, British and Russian media. Mr. Uzzell is president of International Religious Freedom Watch, an independent research center that analyzes threat to freedom of conscience in totalitarian and authoritarian countries.

Nina, if you could proceed.

**STATEMENT OF MS. NINA SHEA, DIRECTOR, CENTER FOR
RELIGIOUS FREEDOM, FREEDOM HOUSE**

Ms. SHEA. Thank you, Mr. Chairman, for inviting Freedom House's Center for Religious Freedom, to testify on today's important hearings on the State Department's report on religious freedom.

At the outset, I want to thank you and Mr. Payne for coming to these important hearings and for your dedication to ensuring that religious freedom concerns remain a force in U.S. foreign policy. Such oversight is vitally important both in mobilizing appropriate foreign policy tools by American policymakers, and in sending a powerful message to governments throughout the world that the American people are not indifferent to violations of religious freedom wherever they occur.

The State Department's religion report constitutes the most detailed religious freedom compilation in the world. And this year's report reflects a monumental effort on the part of Ambassador Hanford and his Office of Religious Freedom. They and all the American foreign service officers throughout the world who contributed to it deserve to be commended.

I will make critical comments today about the report, but this should not obscure the fact that they are an important contribution to the field of human rights.

I have in my testimony, my written testimony, critiqued about 11 countries. I am going to single out a few in the interest of time today.

I would like to start with Saudi Arabia. It is a CPC, and that is good, I am grateful for that; but I found its report to be the weakest. The summary of the Saudi Arabia section accentuates the positive, it places a lot of emphasis on promises of reform, it talks

about a campaign of toleration that is underway, about reeducation. But I am afraid that the so-called “security days,” that were conducted this year for Saudi children to teach them tolerance, will be absolutely useless if the government doesn’t make fundamental reforms regarding religious freedom and its attitudes toward toleration toward other groups.

The government has embraced an extremism version of Islam known as Wahabism as its official ideology and this is constantly indoctrinated through textbooks, fatwah collections, other publications, media and so forth.

Ten months ago, the Center for Religious Freedom produced a report analyzing such documents that were found here by Muslim-Americans who were very concerned about them, and who brought them to us asking for our help to expose what was happening. Saudi Arabia not only indoctrinates its own people, but tries to export its extremism around the world. And I would like to just point out two quotes from the documents to give a flavor of them.

The first one is from a textbook, it is published by the Government of Saudi Arabia and the Ministry of Islamic Religion Affairs, and it says, I quote:

“Our doctrine states that if you accept any religion other than Islam, like Judaism or Christianity, which are not acceptable, you become an unbeliever. If you do not repent you are an apostate, and you should be killed because you have denied the Koran.”

Mr. Chairman, this was found here in the United States. And these are put forward as authoritative religious directives. The Government of Saudi Arabia claims to be the Vatican of Islam, that is what its spokesmen has told Tony Snow on Fox News. It basically says if you don’t believe this as a Muslim, then you yourself are an apostate.

Another one comes from a pamphlet that was distributed by the Embassy of Saudi Arabia here in Washington. And it has “Greetings from the Cultural Attache” right on its cover. In it, a Muslim asks whether it is permissible to become a naturalized American citizen. And the answer is emphatic, it claims to be authoritative once again, and again it is a directive on how Muslims should live their lives in the West, that they should live them with hostility and enmity toward everyone else.

The answer is emphatic, it says:

“It is forbidden for a Muslim to become a citizen of a country governed by infidels because this is a means of acquiescing to their infidelity in accepting all their erroneous ways.”

Again, it is from the Embassy. There is no date on this publication. It was found in several locations. Obviously the vast majority of American-Muslims have rejected that, they are outstanding citizens and neighbors. We do not assess its impact here on the United States, it is not a survey of the American-Muslim community. But it is a study on Saudi propaganda and does ask the question, What is Saudi Arabia doing to undermine us in the War on Terror right within our borders?

I am disappointed that the State Department country report does not even analyze Saudi textbooks in the study on Saudi Arabia. I think it should. Iran is another obvious place where there is fanatical bigotry and xenophobia. I think that these reports should start looking, when they discuss Saudi Arabia, instead of just saying things have gotten better, improved or reformed, that they actually take a look at the textbooks. I am sure that they are available.

The GAO came out with a report in September saying that the U.S. Government agencies actually have no idea as to the nature and extent of the reforms in any of these textbooks or fatwah collections produced by Saudi Arabia.

I would like to turn now to Vietnam. Again, it is another CPC, it deserves to be, but the religion report places a lot of emphasis on a new law, which you talked about earlier today. And it is very troubling because as Hanoi is signing a bilateral agreement with the United States, sub rosa, it also appears to be circulating secret documents in the Hmong region—out of the international focus, out of the public spotlight—directing the police and the security forces to crack down, to force these Hmong Christians to recant their faith and to close their churches. The Center for Religious Freedom released those secret documents—which were dated in February—earlier this year. The Cao Dai, the Hoa Hoa and other groups that may not have strong links with the West, are also treated harshly.

There has been a campaign against the Hmong carried out, as far as we know, until just a month or 2 ago. There were reports that we made public beatings of Hmong Christians in September by security forces, by public officials and border controls with electric batons to force them to recant their faith. The foreign minister then denied it and staged a cover-up. We then released photos, and here they are of two Hmong Christians who were reportedly beaten in September with electric batons and cattle prods, one is Vang Seo Dung and the other is Ly Van Dung, they are both from Ha Giang Province in Vietnam. Mr. Vang suffered a broken rib from the beatings, and the bruises are clearly visible in the rib cage area, and Mr. Ly reportedly suffered a fractured sternum.

I would like to briefly mention Iraq. Mr. Cromartie from the commission spoke about that earlier. I also would like to register my concern for the degree of religious violence in Iraq. Obviously it affects all groups, Muslims, Shiites, Sunnis and so forth. But the non-Muslim minority, I think, are in particular risk right now because they actually may disappear completely from Iraq under the pressure that they are receiving. They are being squeezed on the one hand by the Islamic extremists who have bombed their churches and have carried out a wave of assassinations, beheadings, kidnappings for ransom. And on the other hand in the north, these Chaldo-Assyrian people, also the non-Christian, Sabeian Mandeans, the Yizidis, and the Shabak people who are an offshoot of Islam, are being squeezed in the north by Kurdish militias who they fear are trying to ethnically cleanse the area, take over their villages and annex them for a greater Kurdistan. And we fear that American policies are not really paying attention to this. And U.S. reconstruction aid, which could be used to help support the villages, keep them safe in the north, are not going to them.

I wish to mention our concern about the Constitution as well, that the Supreme Court is to follow a model found only in three places, Saudi Arabia, Iran, and Afghanistan; none of which bode well for freedom of religion. That is a Supreme Court model in which the Justices need not have a civil law education, but could be Shariah judges who would then find, under article II of the new Constitution, under the repugnancy law that states no law can be repugnant to Islam, would find that basic rights like religious freedom could be negated.

We urge the United States to use its leverage to influence the amendment process, which is now, through an 11th-hour decision, made easier.

India. The Indian Catholic Union reported that 200 episodes of anti-Christian violence occurred so far this year. While the Federal Government of India is now more responsive to the plight of minorities and there is an increase in judicial action against the perpetrators of violence, there is still a problem with the Sangh Parivar movement, which is a Hindu extremist movement. There is particular concern that they are raising money in the United States. We ask that they be checked by the Foreign Contribution Regulation Act of 1976 to prevent this extremist movement from raising money here to fund the majority of incidents there.

I would just like to conclude by saying that the reports have very good, detailed, textured accounts of religious persecution of groups in Pakistan, Iran, and Afghanistan, but are weak on the individual dimension of religious freedom, that when you have a state-enforced religious law, individuals are not free to voice their individual beliefs. And in all three of these places, blasphemy laws are being used to to persecute Muslims themselves, those who wish to propose more moderate versions or discuss aspects of the law or aspects of their religion. Also, I should say that the individual dimension of religious freedom is not just a group right of worship, but an individual right. It also pertains to China. And we see the situation in China where a very brave individual has tried to protest forced abortions and then was arrested. I don't know if he is a religious believer or not, but the fact that Mr. Chen was speaking out against coerced or forced abortions, and then was arrested for it and has disappeared into the Gulag, is really very troubling.

Thank you very much.

Mr. SMITH. Ms. Shea, thank you very much.

[The prepared statement of Ms. Shea follows:]

PREPARED STATEMENT OF MS. NINA SHEA, DIRECTOR, CENTER FOR RELIGIOUS
FREEDOM, FREEDOM HOUSE

INTRODUCTION

Thank you, Mr. Chairman, for inviting Freedom House's Center for Religious Freedom to testify at today's hearings on the State Department's Country Report on Religious Freedom.

At the outset, I wish to express our deep appreciation for these important hearings, and for your dedication to ensuring that religious freedom concerns remain a force in U.S. foreign policy. Such oversight is vitally important both in mobilizing appropriate foreign policy tools by American policy makers, and in sending a powerful message to governments throughout the world that the American people are not indifferent to violations of religious freedom wherever they may occur.

Religious freedom is pivotal to a free society. Thomas Jefferson called it the "first freedom." It is enshrined in the first clause of the first amendment of the U.S. Con-

stitution. And it is first in another sense: freedom of thought, conscience and religion is the prerequisite for the exercise of all other basic human rights. In theory and practice, free expression, freedom of press and freedom of association depend on the prior guarantee of a free conscience. The historical reality is that where religious freedom is denied, so too are other basic human rights.

Religious freedom has two dimensions. It belongs to individuals and also to religious groups. It includes a person's right to walk down the street wearing a cross, a yarmulke or a headscarf, or not to do so, and to express and live out one's beliefs in society. It also includes the rights of groups to worship God as they wish in community, to run schools, hospitals and other institutions, to publish and possess sacred literature, and order their internal affairs.

In recent decades, the institutional dimension of religious freedom has proved crucial in opening up social space and offering essential political protection for reformers in repressive societies as diverse as Poland, Chile, the Philippines and South Africa. Today, we see a new generation of dissidents claiming their individual rights to religious freedom—including courageous Iranian and Saudi reformers who are being imprisoned and silenced for crimes of “blasphemy” when they dissent from their governments' policies.

The fundamental nature of religious freedom found worldwide acceptance in the 1948 Universal Declaration of Human Rights. In fact, it was above all the horror of the Nazi Holocaust against the Jewish people, a religious genocide as well as an ethnic one, that stirred support for it. In its preamble, the Declaration states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” It is precisely this shared recognition of human dignity as the basis for religious freedom—and all human rights—that enables practical collaboration between believers of various faiths or no faith, despite irreconcilable differences regarding the ultimate source of human dignity.

Religious freedom is as salient today as it was half a century ago.

State-sponsored religious persecution—going far beyond even pervasive discrimination and bigotry—occurs today under three types of regimes: the remaining officially atheistic communist governments, such as China, North Korea, and Vietnam; repressive Islamist states, such as Saudi Arabia, Iran and Sudan; and nationalist authoritarian states, such as Burma and Eritrea. These are the countries that have been officially designated by the U.S. State Department as “countries of particular concern” for their egregious, systematic, and continuing violations of religious freedom. In such countries only those who uphold government-approved orthodoxies—religious or secular—are tolerated. Others risk torture, imprisonment, and even death.

Despite its central importance historically, politically and socially, the issue of religious freedom has been the most neglected human right in U.S. foreign policy. Because of either lack of interest or an understanding of religion's importance to most of the world's people, America's foreign policy establishment has typically failed to defend religious freedom as a principle or speak out on behalf of beleaguered believers. This is one reason why, for example, U.S. intelligence turned down a 1978 proposal to study the role of religion in Iran, calling it “mere sociology”; a year later, the Islamic revolution in Tehran caught the United States unaware.

In 1998, the U.S. Congress sought to correct this failure by passing overwhelmingly the International Religious Freedom Act or IRFA. One of its main purposes is to make the issue of religious freedom an integral part of the U.S. foreign policy agenda, in order to combat a “renewed and, in many cases, increasing assault in many countries around the world” against religious freedom. The promotion and protection of religious freedom abroad is now official U.S. policy.

Religious freedom faces hard new challenges. Recent decades have seen the rise of extreme interpretations of Islamic rule that are virulently intolerant of other traditions within Islam, as well as of non-Muslims. Many in our policy world still find religious freedom too “sensitive” to raise. But since 9/11, the link between our own security and freedom, between our national interests and our ideals, has never been clearer. Winning the War on Terror turns on the battle of ideas and at its heart is the principle of religious freedom.

The State Department Religious Freedom Report, numbering some eight hundred printed pages in length, constitutes the most detailed religious freedom compilation in the world. This year's report reflects a monumental effort on the part of the Office of Religious Freedom. They and all the American Foreign Service officers throughout the world who contributed to it deserve to be commended. We will make critical comments about the Reports, but this should not obscure the fact that they are an important contribution to the field of human rights.

To a greater or lesser extent, China has repressed religion throughout the over fifty years of Communist Party rule. Its aim has been to make religion serve the interests of the communist state until it disappears from Chinese society. This remains the dominant view. Under the leadership of President Hu Jintao, Communist party policy regarding religion remains to “actively guide religion so that it can be adapted to socialist society.” In furtherance of this policy, the Chinese Communist Party Standing Committee instructed all government agencies in 2004 to “strengthen Marxist atheism research, propaganda and education” and to wipe out “the cultic organization of ‘Falungong’ and various pseudo-sciences and superstition and the new trend toward ‘Western hostile forces’ attempt to ‘westernize’ and ‘disintegrate’ China in the name of religion.”

Unregistered Catholic, Protestant, Tibetan Buddhist, Muslim, and various Asian religious groups, such as Falun Gong, continue to report that many of their followers endure arrests, fines, imprisonment, and severe economic discrimination, and that some of their leaders and laymen have even been tortured and killed. According to the Catholic online news service, *AsiaNews.it*, in 2004 alone the Chinese government invested over \$53 million to eliminate unregistered religious activities.

Many unregistered places of worship have been shut down or bulldozed in recent years. In 2003, a 1,500 member unregistered church in Hangzhou, Zhejiang province, was demolished despite peaceful protests by over 300 congregates. A report issued by the Information Center for Human Rights and Democracy based in Hong Kong, documented 392 temples and churches destroyed or forcibly converted into “entertainment centers” by Chinese officials in 2003.

China’s stringent birth-control campaign is objectionable on religious grounds to members of Christian and Muslim groups, among others. Women, restricted in the number of children they may bear, must seek state permission before becoming pregnant in a particular year. Compliance is coerced through steep fine; job loss; demolition of housing; denials of birth certificates; educational opportunities for children; forced abortion, sterilization and infanticide. The scope of China’s coercive population control policy was revealed in 2003 in Jeishi, Guangdong Province. In order to meet provincial quotas, “family planning” officials were directed to perform 271 abortions, fit 818 women with Intrauterine Devices (IUD’s), and have 1,369 women sterilized, all in a thirty-five day span. A blind Chinese activist, Chen Guancheng, who tried to organize a protest against coerced abortions, was arrested in September and placed under house arrest in Linyi, Shandong Province.

Beijing controls the five “authorized” religions (Protestantism, Catholicism, Buddhism, Islam, and Taoism) by the State Administration for Religious Affairs (SARA, formerly the Religious Affairs Bureau), which is controlled by the United Front Work Department, which is itself controlled by the Committee of the Communist Party. In turn, party officials by law must be atheists. SARA registers and controls all religious groups through the Three-Self Patriotic movement and the China Christian Council for Protestants, the Catholic Patriotic Association and Bishops Conference for Catholics, and similar patriotic associations for Buddhists, Muslims, and Taoists.

The heightened crackdown stems from frustration and political insecurity as authorities realized the astonishing revival of religion throughout China, particularly through unregistered groups, is much larger than previously believed. The booming growth and potential cultural and political impact of house-church Christianity in China was documented in the 2003 book *Jesus in Beijing* and the documentary film *The Cross*.

Along with the current crackdown, China’s government continues to push an aggressive public-relations campaign to convince the West that there is no religious persecution in China, that whatever incidents of repression occur are either the unauthorized acts of “overzealous cadres,” a “distortion of facts,” or else necessary measures against dangerous criminals, cultists, and practitioners of “abnormal activities.” China’s March 2005 repressive religion law was marketed to the West as a “paradigm shift” toward liberalizing religion policy. The March 2005 *Religious Affairs Provisions* provides incentives for registration such as greater property rights only for registered religious venues as well as the ability to operate orphanages, medical clinics, kindergartens, and other humanitarian initiatives. The new law further protects registered religious adherents by declaring that government officials who abuse their power in managing religious affairs are criminally liable. Those that refuse to register risk financial penalties, criminal punishment, and the wrath of government officials who are allowed to act with considerable discretion.

Registration requires that both Catholic and Protestant churches desist from speaking about the Second Coming of Christ, the gifts of the Spirit, the story of Cre-

ation in Genesis, certain sections of the Catholic Catechism, and the evils of abortion. For Catholics, registration also means severing ties to the Vatican; submitting to bishops appointed by the communist government, not the Pope; and rejecting spiritual authority of the Pope. The “Patriotic” Protestant churches have to be organized in the same undifferentiated church body, as denominations are unrecognized within the Communist party management scheme.

China has an unknown number of religious prisoners and detainees—unknown because the judicial and penal system is not transparent. One detainee is Catholic Bishop James Su Zhimin, who was arrested in Hebei in October 1997, after issuing an appeal to authorities for greater religious freedom for Roman Catholics. As of 2005, Bishop Su has been imprisoned for over 27 years. According to reports, Bishop Su’s whereabouts were unknown until being seen at Hebei hospital under heavy guard in late 2003. He has not been seen since. Requests by the U.S. Commission on International Religious Freedom to meet with him were refused by Chinese officials.

Another is Cai Zhuohua, a Protestant pastor in Beijing, who was sentenced in early November to three years in prison, along with two others, for printing and distributing Bibles. His lawyer, the prominent civil rights attorney Gao Zhisheng, who defended the religious freedom of Falun Gong members, was also punished this month by having his law firm shut down and his law license suspended.

Also on November 4, the Vatican-linked news agency Zenit reported that two Catholic priests, Fr. Wang Xhow Fa and Fr. P. Paulus Shao Gu Min, were arrested after giving an interview to an Italian newspaper.

Once supported by the government, since October 1999, Falun Gong has been officially banned by law as a “heretical cult.” The State Department reported that over 100,000 Falun Gong practitioners have been detained since 1999. Overseas practitioners allege that over 1,000 have been killed for their beliefs by Chinese government officials, and many more brutally tortured. Repression has continued since the release of a 2004 directive from Chinese Premier Wen Jiabao to “expand and deepen [the government’s] battle against cults.” Those found practicing Falun Gong are sent to “re-education through labor” camps for up to three years, without formal prosecution or trial. Others are sent directly to mental institutions and pressured to recant their beliefs. After a number of high profile public demonstrations by Falun Gong practitioners, China’s swift and severe measures have driven the spiritual movement deep underground.

Tibetan Buddhists face persecution and open devotion to the Dalai Lama is considered a threat to “public order” by the authorities. The state aims to eradicate his influence, by tightly controlling religious institutions and schools and by creating parallel structures of authority within Tibetan Buddhism, as well as through harsh measures. The activities and education of monks and nuns are closely monitored. The Communist Party demands the right to approve the designation and training of all lamas thought to be reincarnate by Tibetan Buddhists. As the U.S. Commission on International Religious Freedom learned on its recent mission to China and Tibet, monks and nuns are required to renounce the Dalai Lama as the spiritual leader of Tibetan Buddhism. When asked why, government officials answered that the Dalai Lama represented a “splittist” threat and/or is a hindrance to economic modernization. The whereabouts of the young Panchen Lama remain unknown after being seized by Chinese authorities upon receiving recognition by the Dalai Lama. Tibetan minors are generally not permitted to receive religious education, except in rare cases.

As with the other religions, the Chinese government tightly controls and represses Uighur Muslims’ religious activities. The government restricts the building of mosques, the training and appointment of religious leaders, edits orthodox versions of the Koran and the content of sermons and fatwas. Mosques that resist the Communist Party’s ideological control are often closed or destroyed. In order to ensure political loyalty toward the Chinese Communist Party, all local imams are forced to attend yearly political “re-education” seminars. Novel and offensive doctrines such as the introduction of female imams have been imposed on the Uighur Islamic community by the Chinese government.

The prohibition against religious education of minors remains particularly rigid among Uighurs, despite the March 2005 assurance from China’s Foreign Minister that religious education of minors is tolerated in China.

CUBA

In Cuba, human rights, including those pertaining to religion, continue to be repressed. The Castro regime denies the proclaimed constitutional right of its citizens to freedom of religion. This is the case especially towards those churches and de-

nominations that choose to remain independent of the State-sponsored Cuban Council of Churches.

This repression has continued since the period covered by the Report. The Catholic Church has made repeated public complaints against the Cuban government's inaction in opening up the sphere of religious freedom to the level advocated by Pope John Paul II during his visit in 1998. In early September 2005, after the Cuban ambassador to the Vatican accused the Catholic hierarchy of serving the interests of the US and the exile community in Miami, Cardinal Jaime Ortega publicly rejected his remarks as "truly outrageous" and "insulting." A few days earlier that month, the government had arbitrarily denied permission in several areas of Cuba to publicly celebrate the feast of Our Lady of Charity of El Cobre, the patron saint of Cuba, on the grounds that they were "not convenient," and, in other cases, arguing that "there was no tradition" of processions in the effected locations. In March and September 2005, the Church of Pinar del Rio reported burglaries that it suspected were instigated by the Cuban authorities. In October 2005, the Bishop of Holguín province denounced in an open letter to the government repeated attacks against a deacon in his province, who suffered two "Actos de Repudio" (acts of repudiation) and other acts of intimidation by thugs and officials. The deacon is active in the Varela Project, an initiative seeking political and social change in Cuba.

In a distressing sign of increased religious control, sweeping new regulations restricting religious meetings in private homes went into effect in October 2005. Protestant house church leaders reportedly fear that these could severely curtail their ability to meet for worship. Services that have not been authorized are banned, while those organizing approved services must submit the names of and signed approval from owners of the house churches, days and times when services are to be held and the number of worshippers. The full name and place of residence of the pastor and details on his theological education must also be given. In addition, no more than one church of any one denomination can exist within two kilometers (1.25 miles) of each other. Foreigners cannot attend house churches in mountainous areas, and they are required to obtain specific permission to attend churches elsewhere. Violations will lead to the church being closed and both the leader and the foreigner being fined \$1,000.

EGYPT

Egypt is home to the indigenous Coptic Christian community, the largest non-Muslim group in the Middle East, as well as small Jewish, Bahai and other religious communities.

The religious freedom of Egypt's some 10 million strong Coptic Christian community, while generally able to practice its religion, is threatened in varying degrees by terrorism from extreme Islamic groups, by the abusive practices of local police and security forces, and by discriminatory and restrictive Egyptian Government policies.

Material vilifying Jews and Bahá'ís appears regularly in the state-controlled and semi-official media. Human rights groups also cite persistent, virulent anti-Semitism in the education system, which the Egyptian government has not adequately addressed. Though the government maintains control over all media, it allowed the airing of a virulently anti-Semitic series based on the forged "Protocols of the Elders of Zion" on a private television channel in recent years.

In Egypt, ID cards require a statement of religious affiliation. Moreover, the system allows only for one of the three recognized religions of Egypt—Islam, Christianity, or Judaism—to be entered. All members of the Egyptian Bahá'ís community face the prospect of being left wholly without proper ID Cards by the year's end—a situation in which they would essentially be denied all rights of citizenship, and, indeed, would be unable to withdraw money from the bank, to get medical treatment at public hospitals, or to purchase food from state stores.

The Egypt Report gives an extensive review of the problems faced by Coptic Christians in building or repairing churches, but is weak on other problems faced by Copts. It states there were "reports of forced conversions of Coptic women and girls to Islam by Muslim men" but that "reports of such cases are disputed." Reports of such cases are usually disputed and, no doubt, some are false. However, there are credible reports of kidnapping and forced conversion. On March 23, 2004, the Coptic Pope, Shenouda III, publicly condemned the kidnapping and forced conversion of Christian girls, particularly highlighting their abduction from supermarkets. It is very unusual for the Pope to speak out publicly on this type of issue (he has previously been under house arrest for remarks critical of the government), so this may indicate that it is escalating. This underscores the need for a transparent, independent investigation into reports of various instances of religious persecution.

The Report often uses excessively mild language. For example, it states that there are “occasional reports that police harass Christians who had converted from Islam.” “Harassment” is much too weak a word here to describe the fact that such converts have been arrested, imprisoned, interrogated and tortured, and that in November 2003, one such convert died in police custody. Converts also fear attack and even murder by Muslim radicals. The Report states: “In contrast to previous years, there were no reports of authors facing trial or charges related to writings or statements considered heretical during the reporting period.” This is correct but fails to emphasize that writers face even greater pressure from extremist violence outside the government. For example, on July 13, 2005, a well known Muslim Egyptian writer, Sayyid al-Qimni, received a message from extremists saying that unless he renounced his views he would be killed. On July 16, he announced that he was recanting his past work and would forgo future writing assignments. Because of his more liberal Islamic views and his criticism of Islamic theology, he has been called an “apostate” (one who has forsaken Islam) by those of more conservative views. In his statement, he referred to the fate of a previous Egyptian writer in a similar situation, Farag Fouda, who was shot and killed in 1992, and believed that the same future would await him unless he renounced his beliefs.

It also omits some highly significant cases. For example, in early 2005, Gaseer Mohamed Mahmoud, who converted to Christianity from Islam in 2003, was tortured by police, who, among other things, pulled out his toenails, and, on January 10, 2005, with the assistance of state security police, was forcibly confined to Cairo’s El-Khanka mental hospital after his adoptive parents discovered his conversion. He was kept in solitary confinement, put in a water filled room, beaten, whipped, and told that he would be confined until he renounced his new faith. After international publicity he was released on June 9, but was forced into hiding. On April 6, 2005, Baha al-Aqqad, another recent convert to Christianity from Islam, was arrested on the grounds that he had “defamed Islam” and held in Doqqi prison. After 45 days he was transferred to Tora prison in Cairo, typically a prison for political prisoners.

Reports that we receive from Egypt indicate that Copts have felt under increasing religious pressure. Since the State Department Report was compiled, this tension has exploded. On October 13, 2005, a news report in the newspaper *Al-Midan* claimed that a newly discovered CD of a play performed in St. George’s Church in Alexandria two years ago showed that the play “insulted Islam.” Subsequently, a mob of at least 5,000 people surrounded the church. There have been riots, with four people dead and ninety injured, including a nun who was stabbed. Seven other churches in Alexandria have been attacked, and one church in Cairo was also surrounded by a mob. Seven Coptic businesses in Alexandria were attacked. Extremist websites have published death threats against Coptic Pope Shenouda and against priests in Alexandria. Coptic houses in Alexandria were marked by unknown people with a cross as a sign that they are owned by Christians and it is generally believed that this was to identify them for possible subsequent attack. The Egyptian government needs to answer questions about who instigated the violence; whether it organized or spontaneous; whether the perpetrators of the violence are being identified and brought to justice; and what Egyptian authorities are doing to prevent such incidents in the future.

The utter failure of Egypt to bring the guilty to justice in the murder case of over 20 Copts in January 2000 in the town of Al-Kosheh can only be understood as a sign that Copts in Egypt can be attacked and even killed with impunity. It is now incumbent on Egypt to prove that this is not so.

Brave leaders who are committed to individual civil and political freedoms exist within Egyptian society. Saad Eddin Ibrahim and Ayman Nour are two, but they are harassed and punished through imprisonment and intimidation. Mubarak’s destructive policies are leading to the radicalization of its society.

INDIA

This month, the All India Catholic Union reported that 200 episodes of anti-Christian violence have occurred so far in 2005. The 2005 Report’s Executive Summary highlights India’s “state neglect . . . of abuses against religious groups” while praising the country for “significant improvements in the promotion of religious freedom.” While the Federal Government has been more responsive to the plight of minorities and there has been an increase in judicial action against persecutors and steps taken to redress the atrocities in Gujarat, we are concerned about the continued presence and growth of extremist Hindu organizations that use violence against religious minorities.

In particular, the “Sangh Parivar” is an unregistered international network of organizations that raises money in the United States and Europe to advance a radical

Hindu agenda involving the eradication of all minority religions. The 1976 Foreign Contribution Regulation Act, mentioned in every State Department Religious Freedom report, requires monitoring and registration of all foreign-funded organizations and has been used by the state against Christian and Muslim organizations. Yet reports indicate that the Sangh Parivar has eluded FCRA requirements and continues to facilitate the transfer of tax-deductible US dollars from extremist Hindu organizations in the United States to violent activists in India.

Allowing the Sangh Parivar to continue its activities while pursuing action against individual perpetrators of atrocities against religious minorities undermines the beneficial attempts by the United States and India to work for greater respect for religious freedom in India. The Sangh Parivar is the movement most responsible for atrocities in India, including the Gujarat riots. The United States and India should formally investigate the funds and activities of the Sangh Parivar and the organizations under its umbrella, including the Rashtriya Swayamsevak Sangh (RSS) and the Vishva Hindu Parishad (VHP).

IRAN

The Report's discussion of Iran is detailed and insightful. It is especially thorough in analyzing the treatment of the various non-Muslim minorities, the Christians, Jews, Zoroastrians and Bahá'ís, as well as the Sunni and Sufi Muslim communities. It also correctly discusses in the context of religious freedom the Shiite regime's harsh treatment of dissidents for the "crime of thinking," as one Iranian Shiite dissident called it, and the denial of equal treatment under the law to women, as well as minorities.

Since the Report was compiled, Iran's President has threatened Israel with eradication. This is shocking but hardly a new position for Iran. The Report should include in its reporting an analysis of the official speech and educational materials and other publications of the regime to determine the extent and nature of official expressions of religious hatred and extremism. A regime in which the law allows the spilling of Bahai blood with impunity and where Christian and Jewish grocery shop owners are required to post their religion on their store fronts is certain to include systemic bigotry in its curriculum and official propaganda. The 9/11 Commission makes clear that the indoctrination in religious hostility and enmity toward the other is a key challenge in defeating Islamic terror. It should be examined in this Report.

Rule by the clerical elite in Iran has also undermined democratic institutions, including the legislature and the media. The Report should examine how the Guardian Council and sharia courts, comprised of men who claim to know Divine Will, directly conflict with democratic processes and contradict the democratic principle that power resides in the people. As neighboring Iraq establishes its new order and grapples with the role of Islam in government, it is crucially important for the United States to understand the problems posed to democracy itself by sharia rule in Iran.

IRAQ

Iraq's Christians and other non-Muslim minorities are being driven out of their ancestral homeland by a devastating wave of persecution and targeted discrimination and intimidation by both Islamic extremists and Kurdish militants.

Tens of thousands of Iraq's nearly one million ChaldoAssyrians, as the indigenous cultural and linguistic ethnic group of Christians is called, have fled into exile over the past two years. The State Department's Religion Reports state that up to a quarter of a million have left their homes for security in other parts of the country. Their leaders fear that, like the Iraqi Jews—who accounted for a third of Iraq's population until facing relentless persecution in the middle of the last century—they may leave en masse. Though many Iraqis, particularly moderates, suffer violence, the ChaldoAssyrians, along with the smaller non-Muslim minorities of Sabeen Mandeans and Yezidis, may be as a group all but eradicated from Iraq. Their exodus began in earnest in August 2004 after the start of a terrorist bombing campaign against their churches. With additional church bombings around Christmas time last year, and a series of targeted kidnappings, beheadings, and assassinations throughout the year, hundreds more Christian families escaped in fear to Jordan and Syria.

They also worry that they are experiencing an ethnic-cleansing campaign by Kurds, with whom they live in close physical proximity in the north. Some Christian and non-Muslim villages, along with the villages of the Shabaks, a separate ethnic Muslim offshoot, have been denied essential infrastructure projects and have been deprived of American reconstruction aid by Kurdish leaders and poorly adminis-

trated U.S. programs that favor the Kurds. The aim of the Kurdish leaders appears to be to annex these ancestral villages of non-Kurdish peoples.

Though Iraq's Grand Ayatollah Sistani has denounced the attacks against the Christians, the persecution has not abated, as the State Department Report amply details. The ChaldoAssyrians, along with the Mandeans, Yizidis, and Shabaks, have endured much throughout the last century in Iraq, including brutal Arabization and Islamization campaigns. But this current period may see their last stand as cohesive communities.

Should the ChaldoAssyrian community disappear from Iraq, it would mean the end of their Aramaic language (spoken by Jesus), and their customs, rites, and culture. A unique part of Christian patrimony would disappear along with this first-century church. The United States would have presided over the destruction of one of the world's oldest Christian communities. Its reverberations would be keenly felt beyond Iraq's borders. If the democratic project of Iraq ends in dismal failure for the ChaldoAssyrians, the future will be bleak for all the historic churches of the Middle East.

Further loss of ChaldoAssyrian influence in Iraq would also have dire implications for Iraq itself and for American foreign policy. The ChaldoAssyrians are a disproportionately skilled and educated group, and they also possess that increasingly scarce trait in the Middle East: the virtue of toleration. They are a natural political bloc for building a democracy with minority protections and individual rights. Their presence bolsters Muslim moderates who claim religious pluralism as a rationale for staving off governance by Islamic sharia law.

It is in the direct political interest of the United States to keep the ChaldoAssyrians, the Mandeans, the Yizidis and the Shabaks in Iraq.

Though Iraq's new Constitution represents a milestone toward the creation of the Arab world's only electoral democracy, those of us who work to defend religious freedom internationally are deeply troubled by it. We are concerned that it may be the first step in creating what is called an "illiberal democracy," or even in undermining democracy altogether. We fear the powerful role given to Islam in the constitution—a role that is likely to negate the positive language on religious freedom and other individual human rights.

The new constitution fails to guarantee the fundamental human rights and freedoms contained in the United Nations Universal Declaration of Human Rights and that are consistent with America's core values and President Bush's articulated foreign policy goals.

Instead, it sets forth two competing and diametrically opposed visions of society: one based on individual rights and principles of equality, and the other grounded in a sharia (Islamic law) regime of group rights, in which rights are conditioned on a person's membership in a discriminatory hierarchy of groups (male or female, Muslim or non-Muslim, etc.), and where the basic rights of all individuals are subordinated to the group.

The provisions of the bill of rights are subject to ambiguities and contradictions contained elsewhere in the constitution. For example, the carefully crafted provisions asserting rights to religious freedom and equality before the law are placed in doubt by the repugnancy clause of Article 2, which states that "no law that contradicts the established provisions of Islam may be established" (in contrast, Article 2's vague language that no law may contradict "the principles of democracy" and the "rights and freedoms stipulated in this constitution" is self-referential: it simply says that unconstitutional laws are unconstitutional).

The constitution leaves open the crucial question of how to reconcile these conflicting political ideologies—one based on individual freedoms and rights and the equality of all, and the other based on ensuring that society conforms to religious interpretations that discriminate according to gender and religion or belief.

Under Article 89, the Supreme Court will have the important role of "interpreting the provisions of the constitution," and ultimately settling this defining question. Hence, it is additional cause for great concern that, under Article 89, the supreme court is to include a yet to be determined number of "experts in Islamic jurisprudence," as well as of judges who are "law experts."

In specifically requiring the supreme court to include sharia experts who need not have an education in civil law, the new constitution follows a supreme-court model found only in Iran, Saudi Arabia, and Afghanistan. The first official act of the Afghan supreme court was to press blasphemy charges against the only female member of President Karzai's cabinet after she criticized sharia rule. Since then, it has ruled to ban all cinema and female vocalists. Sharia judges in Iran rig elections, and in Saudi Arabia have ruled that democracy itself is "unIslamic." Clearly much more is at stake than even the rights of Iraq's non-Muslim minorities and women.

Article 5 of the new Iraq constitution claims that “The law is sovereign. The people are the source of authorities and its legitimacy.” But under Article 89, “experts in Islamic jurisprudence”—that is, those men of the religious elite who claim to know Divine Will—may well be the ones who determine the direction of the state.

The new constitution is deceptive in asserting that its human rights provisions are “guarantees”—since the actual status of basic rights is left to future decisions by sharia judges, who may decide that they conflict with their version of Islam and thus are null and void.

The eleventh-hour agreement reached after the Sunnis threatened to vote “no” in the constitutional referendum will facilitate amendments to the constitution. The administration should use its considerable leverage—leverage that was effectively used to secure a federal form of government for the Kurds and concessions for the Sunnis—to require civil-law education for all the judges who serve on the supreme court, and require other such amendments to ensure that religious freedom and other fundamental human rights are finally guaranteed in the country’s founding document. The U.S. must also ensure that American aid is not discriminatorily applied according to ethnic and religious identities and that it not be used to further ethnic cleansing in either the north or the south of the country.

NORTH KOREA

As the State Department’s Religion Report records, though reliable information is difficult to obtain, all evidence shows that North Korea continues to be one of the most religiously repressive regimes on earth. For example, the Report states, “There is evidence of the execution of approximately 60–70 individuals in late 2004 and early 2005. Unconfirmed reports allege that the reasons for execution included, in a few cases, contact with missionaries and other foreigners while in China.”

Later today, the U.S. Commission on International Religious Freedom will release a first-of-its-kind study on the conditions of freedom of religion and belief in North Korea. To carry out this study, David Hawk, author of the acclaimed “Gulag Study” on North Korea, interviewed dozens of North Korean escapees currently residing in South Korea. The interviews have yielded the following information: All of the North Koreans interviewed say that there is no freedom of thought, conscience or belief in North Korea. All report, in fact, that it is absolutely prohibited. They have been taught from youth that “religion is an opiate.” The subjects described an official state ideology known as “Kim-Il-Sungism,” which is taught in school, promulgated on television, and indoctrinated through special Revolutionary Thought Study Halls with mandatory weekly attendance. None had ever seen churches in North Korea. Most did not know of the churches in Pyongyang.

The North Korean Human Rights Act, approved by Congress last year, provides for increased funding of pro-democracy groups and human rights organizations that actively aid North Korean refugees. It also streamlines the process through which North Koreans can seek refuge in the United States. Resources have also been earmarked for radio stations that transmit freedom-oriented broadcasts into North Korea, hopefully bypassing government censors. The U.S. Administration should make full use of these powers.

So far, in the six-party talks concerning North Korea’s nuclear program, South Korea, China, Japan, Russia, as well as the United States have resisted adding other topics, especially human rights in North Korea to the agenda. Given the urgency of the North’s nuclear threat and potential for proliferation, this reluctance is understandable, but it is a grave mistake. A wide range of religious groups and other human rights organizations in the U.S. are combining to call for a Helsinki-style regional security pact that would include monitoring humanitarian aid, resettlement of refugees, family reunification, and religious freedom. The U.S. should also push China to honor its obligations under the 1951 Refugee Convention and its 1967 Protocol, including giving temporary asylum for refugees, providing the U.N. High Commissioner for Refugees unrestricted access to North Koreans in China, ensuring that refugees are not forcibly returned, and allowing greater access by international humanitarian organizations.

The U.S. now has a new Special Envoy to North Korea, Jay Lefkowitz. This is an important development that will signal the administration’s intensified attention to human rights concerns in North Korea. We eagerly await a report on his efforts.

PAKISTAN

The Religious Freedom Report reports the oppression of the country’s religious minorities—Hindus, Christians, Parsis, Sikhs, Buddhists, Parsis, Ahmadis, Ismailis, Zikris and Bahá’is—especially under the country’s blasphemy laws. This repression is ongoing.

On November 12, 2005, in Basti Asyia, Sangla Hill village, in the Province of Punjab, a Muslim mob burned and ransacked churches, Christian homes and schools, and destroyed Bibles, Christian books and crosses after Yousaf Masih, an illiterate janitor, who is a Christian, was charged with blasphemy for burning discarded documents that allegedly included copies of the Koran.

However, we are concerned that, apart from brief allusions to the problems faced by liberal Muslims, the Report does not adequately consider the effects of restrictions on religious freedom on the Muslim population as a whole. Individual Muslims as well as minority groups suffer from these grave restrictions. As the Report notes, between 1986 and 2004, 634 people were accused of blasphemy: 309 Muslims, 236 Ahmadis, 81 Christians, and 8 Hindus.

In Pakistan, where the political and legal order is closely tied to a prescribed religious orthodoxy, political debate and dissent is necessarily closely tied to religious debate and dissent. Hence, without religious freedom, including religious speech, then there can be no effective political freedom. However, freedom of speech is constitutionally limited by "reasonable restrictions imposed by law in the interest of the glory of Islam." Similarly, blasphemy laws provide the death penalty for "defiling Islam or its prophets," and 10 years in prison for "insulting the religious feelings of any citizen." Criticism of the blasphemy laws and the constitutional provisions concerning Islam can itself be considered blasphemy. Since these provisions are so broadly and vaguely worded, they can be used to repress any call for political and religious reform. If political dissent and debate may be treated as crimes against God, then genuine democratic and religious reform is closed off. The problem is compounded in the Northwest Territory where hardline sharia is being adopted at the provincial level.

While the Government enacted a law in January 2005 that requires senior police officials to investigate any blasphemy charges before a complaint is filed, the laws themselves remain as a form of state-sponsored repression against its own people. Hence we are concerned that the U.S. Government has not designated Pakistan as a Country of Particular Concern, as was recommended by the U.S. Commission on International Religious Freedom. It should do so until the blasphemy laws are repealed and those accused of blasphemy are released from prison.

SAUDI ARABIA

As the Religious Freedom Report states, there is no religious freedom in Saudi Arabia and everyone there, Muslim or not, must obey the rules of the extreme sharia of the kingdom's established religion, the Wahhabi interpretation of Islam. The Saudi state indoctrinates its nationals from an early age in the Wahhabi ideology of zero tolerance for the "other." Government textbooks and publications teach that it is a religious obligation for Muslims to hate Christians and Jews and warn against imitating, befriending, or helping them in any way, or taking part in their festivities and celebrations. The state teaches a Nazi-like hatred for Jews, treats the forged Protocols of the Elders of Zion as historical fact, and avows that the Muslim's duty is to eliminate the state of Israel.

The substantial number of Christians and other non-Muslims among the quarter of the kingdom's population who are foreign workers suffer greatly from the denial of religious freedom. The State Report provides many examples. An Indian Christian pastor who served the Indian expatriate community for a quarter of century in Saudi Arabia was one of those arrested, threatened, abused and humiliated this year for worshiping as a Christian; he was expelled from the country a few weeks ago.

But Christians, Hindus and non-Muslims are not the only ones to suffer: Saudi Arabia's nationals, by law Muslim, find that a broad range of their freedoms are limited because of the state's monopoly on religious expression.

For example, Muslims who follow the Sufi and Shiite traditions are viewed as heretical dissidents and viciously condemned and discriminated against by the state. Regarding those who convert out of Islam, the Saudi Ministry of Islamic affairs explicitly asserts in publications Freedom House has acquired that they "should be killed." Muslims who object to even particular tenets of Wahhabism, such as advocates of greater religious tolerance, also are viewed as the "other" and condemned as "infidels." Under Saudi law, such "blasphemers" and "apostates" from Islam can be sentenced to death.

Political reformers, too, are crushed on religious grounds. Until being released earlier this year, three Saudi professors had languished for over a year in prison after proposing that the country adopt a written constitution. Among other charges, their terminology was denounced as un-Islamic or "Western." State publications condemn democracy itself as un-Islamic. As made explicit in the Saudi state documents

we collected here, they instill contempt for America because the United States is ruled by “infidel” legislated law, rather than Wahhabi-style Islamic law.

A direct consequence of there being no religious freedom is that every Saudi woman is forced by the state to conform to Wahhabi religious edicts restricting dress, transportation, movement, due-process rights, and the ability to participate in civic life. Earlier this year, Freedom House’s Center for Religious Freedom released a report based on a year-long study of the radically intolerant Wahhabi ideology contained in documents spread, published, or otherwise generated by the government of Saudi Arabia and found in the United States. Extremist Wahhabism is Saudi Arabia’s state religion; it is also the Saudi government’s aim to propagate it and have it replace traditional and moderate interpretations of Islam worldwide, including within the United States.

In one example, a publication for the “Immigrant Muslim” bearing the words “Greetings from the Cultural Department” of the Embassy of Saudi Arabia in Washington, D.C., gave detailed instructions on how to “hate” the Christian and Jew: Never greet them first. Never congratulate the infidel on his holiday. Never imitate the infidel. Do not become a naturalized citizen of the United States. Do not wear a graduation gown because this imitates the infidel. The opening fatwa of another book distributed by the embassy that was published by the Saudi Air Force responds to a question about a Muslim preacher in a European mosque who taught that it is not right to condemn Jews and Christians as infidels. The Saudi state cleric’s reply emphatically rebukes the Muslim cleric: “He who casts doubts about their infidelity leaves no doubt about his.”

Within worldwide Sunni Islam, followers of Saudi Arabia’s extremist Wahhabi ideology remain a distinct minority. This is evident from the millions of Muslims who have chosen to make America their home and are upstanding, law-abiding citizens and neighbors. It was just such concerned Muslims who first brought these publications to the attention of Freedom House.

The Saudi state’s propagation of Wahhabi extremism is more than hate speech; it is a totalitarian ideology of religious hatred that can incite to violence.

The State Religion Report should address the issue of how the Saudi state’s enforcement of one extreme interpretation of Islam impacts religious freedom for Sunni Muslims in greater detail. The individual dimension of religious freedom should be given emphasis in State’s analysis. The content of Saudi textbooks should be routinely reviewed for anti-Semitism and religious hatred in the Religious Freedom Report.

Disturbingly, the State Religious Report on Saudi Arabia, in its brief summary of the country, puts forth routine declarations that the Saudis have “made some efforts to improve the climate of tolerance,” and that they have “removed some disparaging references to other religious traditions from educational materials,” as well as assertions that the Saudi government has “continued a campaign to foster greater moderation and tolerance of religious diversity,” and “stated publicly that its policy is to allow non-Muslims to worship privately.” These assertions are so far off mark they should be omitted from the summary altogether or unequivocally refuted for what they are—Saudi state disinformation.

For these reasons, we believe that the Report on Saudi Arabia is possibly the weakest in the State Department’s compilation, employing spin rather than letting the facts speak for themselves. It is all the more distressing because the expansion of civil and political freedoms in the kingdom hinges on religious freedom. Furthermore, since the 9/11 terrorist attacks—and the discovery that two thirds of the hijackers were Saudis—Saudi state ideology has become a matter of U.S. national security.

SRI LANKA

The Government of Sri Lanka has for years faced intense pressure from militant Buddhists demanding a solution to the “problem” of a perceived growth in minority religions in this overwhelmingly Buddhist country. These militants are reported to have perpetrated over 200 attacks against religious minorities, largely Christians, over the past two years, yet the Government of Sri Lanka has failed to prevent the violence or to prosecute the perpetrators. Even faith-based relief efforts, such as those by World Vision, have been targeted with violent attacks.

Intended or not, the Government’s toleration of violence against religious minorities has encouraged radical Buddhists to propose religious discriminatory laws. On May 6, 2005, the nationalist JHU party introduced an anti-conversion bill into Parliament which would punish religious minorities with up to seven years in prison for the crime of “attempted conversion.” This bill is currently pending in Parliamentary committee. On June 27, 2005, the government of Sri Lanka also unveiled its

official version of an anti-conversion law, which may be introduced into Parliament at any time. On October 4, 2005, the JHU attempted to reintroduce a discredited constitutional amendment to establish Buddhism as the state religion and revoke citizens' freedom to attempt to "convert a Buddhist into other forms of worship or spread other forms of worship among the Buddhists." Such proposals have increased tensions and have prompted significant public protests from a broad array of religious groups. On October 26, 2005, the Sri Lankan Catholic Bishops' Conference, in a statement on the upcoming presidential election, said that "In the last few years there has been a growing tendency of religious extremism and intolerance infecting and contaminating our society to its detriment. . . . The basic rights and freedoms in relation to our religious practice have come under great threat from proposed draconian legislation in the form of an anti-conversion bill."

The U.S. State Department has shown increased concern about these developments. It must continue to press Sri Lanka, one of the first recipients of Millennium Challenge Account development funds, to respect religious freedom.

VIETNAM

Vietnam again has rightly been designated as one of the world's most egregious violators of religious freedom. However, I disagree with Secretary of State Condoleezza Rice's assessment that religious freedom in Vietnam has improved in the past year, and that, if it *continues*, State should remove Vietnam from its list of Countries of Particular Concern.

Vietnam's Communist government originally set out to eradicate religion. After the collapse of its patron, the Soviet Union, in 1991, and wanting to attract Western trade and capital, the regime eased religious repression while continuing control over religious activity. Now it tends to imprison, torture, and harass only those believers who are outside the international spotlight such as the Hmong and other ethnic Christians from remote villages, as well as those of the Cao Dai and Hao Hao religions that have few proponents in the West. Better connected and/or hierarchical religions, such as Catholicism, urban Protestantism, and Buddhism suffer more sophisticated and hidden methods. These include prohibitions on printing and distribution religious literature; confiscating and controlling places of worship; refusing to grant independent churches with official legal standing; restricting seminaries, religious schools and other institutions from propagating religious teachings; and restricting faith-based charities.

In May, the U.S. Ambassador-at-Large for International Religious Freedom announced an agreement that Vietnam would release twelve prisoners of conscience, fully implement Vietnam's November 15 legislation on religious freedom and its February 4 "Special Instruction Concerning Protestantism," and ensure that local authorities "strictly and completely adhere to the new legislation," especially with respect to the practice of forcing prisoners to recant their faith.

However, Vietnam's repression of tribal Christians has continued since the agreement; leaders of the Unified Buddhist Church of Vietnam (UBCV) continue to be harassed and detained, and there is no legal framework for the UBCV, the Hoa Hao, Cao Dai, and others to register with the government and operate independently with leaders of their own choosing. There are an estimated 100 religious prisoners in jail or under some form of house arrest for religious activity and hundreds of churches, home worship centers, and meeting places remain closed.

One has seen the brutal and ongoing suppression of ethnic Montagnards who marched for land rights and religious freedom in April of 2004, the jailing of Pham Song Hong and others for posting articles critical of the government on the Internet, the silencing and jailing of journalists for exposing corruption, and the mass arrests of Buddhist monks from the Unified Buddhist Church of Vietnam (UBCV), despite promises by Prime Minister Khai that pressure on the group would cease. UBCV monk Thich Thien Minh, released in February after sixteen years in prison, did not see many improvements in human rights and religious freedom. He said, "I have exchanged my small prison for a bigger one."

The Center recently obtained and released a secret document issued on February 25, 2005 by a local Vietnamese communist party branch revealing the continuation of an official policy (also previously released by Freedom House) of forcing Hmong Christians to give up their faith and of "eradicating" Christian meeting places. The document, from the Muong Nhe District Party Office (Task force 184, No. 30-KH/184, in Dien Bien Province), describes a comprehensive campaign by local Party and government officials, in partnership with the police and military, that was scheduled to have been waged from March 2 through June 30, 2005. The document calls for "mobilizing the masses to fight and resist religion and religious belief, and eradicate places complicating public security," that is to say, churches. Cadres will "get the

people to give up their religion and return to their traditional beliefs and customs. . . . and inspect the areas not yet infiltrated with the Vang Chu [the Hmong term for God] religion so it does not "infect other places." Village leaders would be required to "to develop regulations and pledge forms" to be signed by those pressured to give up their faith. The document gives no consideration to the fact that Hmong Christians are identified with the legally-recognized Evangelical Church of Vietnam (North), and that the church had issued certificates of acceptances to 981, mostly Hmong, ethnic minority congregations as of September 30, 2005.

Last month, the Center received new reports showing that Vietnamese officials are continuing a campaign of violent repression against ethnic Hmong Christians. According to these reports, security forces cracked down on Protestants in the Chi Ca Commune, Xin Man District of the Ha Giang Province in late August and early September. In an attempt to get them to renounce their faith, officials reportedly imprisoned seven local Christians and tortured them with electric batons and beatings so vicious that two suffered broken bones. Following the Center's public protest about this incident, Vietnam's Foreign Ministry denied the report.

On November 10, the Center released photographs appearing to confirm the torture. The men in the photographs have been identified to the Center by sources in Vietnam as Vang Seo Dung and Ly Van Dung, the two victims who were reported to be most severely injured in the raids. The physical trauma shown in the photos is consistent with our previous report that several Hmong Christians were severely beaten with electric batons by border patrol police and local defense forces, resulting in a broken rib in one case and a fractured sternum in another, as well as other injuries.

The Report emphasizes that a recent reform measure is the 2004 "Ordinance on Religion & Belief." The example of apartheid South Africa shows that the rule of law may not result in improved rights and freedoms without a fundamental ideological acceptance of freedom by the state. In short, the Ordinance is being touted by the State Department as an advance, but without the political will to respect religious freedom, the state is more likely to employ it as yet another tool of repression against religious believers, especially those, like the Hmong, outside the international spotlight.

In conclusion, Mr. Chairman, we would like to thank you holding these important hearing and for this opportunity to appear before you.

Mr. SMITH. Mr. Malinowski.

**STATEMENT OF MR. TOM MALINOWSKI, WASHINGTON
ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH**

Mr. MALINOWSKI. Thank you very much, Mr. Chairman, Congressman Payne. And thank you, as always, for your extraordinary leadership on this issue, Mr. Chairman.

I want to summarize my remarks, mostly focusing on this issue of countries of particular concern, and suggest that one way to think about it is to divide the countries into two categories. I think one group consists of countries that violate religious freedom, but they are allies of the United States, or at least they are countries that see an interest in having a reasonably cooperative relationship with the United States. Such countries, I think, are probably more likely than others to want to avoid being criticized in this report, avoid being named CPCs. They are probably more likely to respond to diplomatic efforts from Mr. Hanford, from others to improve their records.

Yet even for this group of countries, I think we need to recognize that the novelty of being named and shamed in this report does begin to wear off over time, and so our diplomatic efforts to be effective over time do increasingly need to be backed by willingness to show that their relationships with the United States will be affected by lack of progress.

A second group of countries consists of those that already had adversarial relationships with the United States before being named,

and most of the CPCs, frankly, fall into this category, which means that ironically the designation is tended to be used against those countries least likely to be affected by it because these countries are already under sanction and facing considerable pressure from the United States on other issues.

And I think the question with respect to these countries is not so much what additional pressure is generated by the CPC designation, but whether we have an appropriate effective comprehensive strategy in place to change the overall behavior of the government concerned.

So with that in mind, let me talk very briefly about a couple of countries that I think fall into the first category, Saudi Arabia and Vietnam, and a couple that I think fall into the second category, Burma and Uzbekistan.

Saudi Arabia. We have heard the honest judgment of the State Department that religious freedom does not exist there. We have heard, I think, general agreement amongst us that no progress has been made in recent years. We all have our favored horror stories coming out of Saudi Arabia. Human Rights Watch, just yesterday we received two reports about two school teachers in Saudi Arabia, both of them Muslims, who have fallen afoul of the country's strict laws. One was a chemistry teacher who was accused of mocking Islam simply for discussing Jews and the Bible with children in his classroom. He was sentenced to 3 years in prison and 750 lashes, 50 lashes per week for 15 weeks for that crime. The other, another teacher, was sentenced to 3 years and 300 lashes "for sanctioning adultery and sodomy, sanctioning singing and smoking, and suggesting that one should love, not fear, God." And the interesting thing about this is that his arrest was ordered by the Saudi Vice Minister for Defense and Aviation, an interesting example of how things work there and the high-level involvement in these cases.

Now, the State Department has named Saudi Arabia a CPC, and we welcome that. It took a long time to get there, and I think it is a good sign that the Bush Administration wants to mean what it says when it comes to promoting human rights in the Arab world. But we also know the deadlines have passed, come and gone. We have not really seen any sign that the Saudis are taking advantage of the opportunity that Ambassador Hanford wants to give them. There appears to be very little movement even in the modest steps that we know that the United States is asking them to take, like a public announcement that private worship will be protected, or improvements in bringing non-Muslim books into the country or allowing visits by non-Muslim clergy, even those little things I don't think the State Department is getting anywhere on those. So my sense, frankly, is that the department is buying time for itself more than buying time for Saudi Arabia.

And you know, the question we have to ask is whether we are really conveying to the Saudis in a credible way that this is a priority for us? Secretary Rice was there over the weekend, announced a deeper partnership with Saudi Arabia, a new strategic dialogue on a whole host of issues that are important to the United States, I don't believe this is one of them. What message would you take from that, Mr. Chairman? I think it is pretty clear.

On Vietnam. I agree with everything that Ms. Shea said. This is, of course, a country that wants to have a good relationship with the United States, they want our help on a number of very important issues. I think the CPC designation got their attention, which is a good sign that this is a constructive and worthy process. There have been prisoner releases, there have been promises made. And someone else mentioned that at least Vietnam is making promises to us, and that is a good thing. But the promises are not, at least as far as we can tell, yet being implemented in an effective way. Ethnic minority Christians, Montagnard, ethnic Hmong are still being persecuted, detained, beaten, pressured by local authorities, to renounce their religions, cease religious gatherings.

And we have heard that there is this agreement between the State Department and Vietnam in which the Vietnamese made a number of commitments. I would at least like to see that agreement made public so that at least we can hold Vietnam publicly to the commitments that it made. We have sort of a general sense of what is in there, but it is hard to evaluate it if we don't actually see the specific commitments.

As I suggested at the outset, there is another category of countries that probably aren't going to be moved merely by CCPC designation, one of those obviously is Burma, which clearly deserves to be designated, but it is an equal opportunity abuser, as you well know, Mr. Chairman.

The question here is whether we can mobilize effective international pressure. We already have an array of sanctions quite appropriately imposed against the Burmese Government. I think that pressure has helped keep the opposition, led by Yung San Sushi, alive all these years, alive to fight another day. But to get the progress we want we need international multilateral pressure. And an effort like that is now underway, as I think you know, at the United Nations. The Administration has endorsed a call recently made by former Czech President Hovell, South African Bishop Tutu, to bring Burma before the UN Security Council where its atrocious record can at least be discussed, as well as its destabilizing impact on the region.

And ultimately, we would want to see the council take action on Burma, for example, by doing what it did with respect to Darfur recently, appointing a commission of inquiry to determine if war crimes have been committed against the minority people of that country.

This is something that I think is achievable. All we need is nine votes in the Security Council. And simply putting something on the agenda can't be vetoed by any member, including China. But we are going to need high-level effort from the President, personally, and Secretary Rice to make it happen. And I certainly hope that this is an issue, in addition to the one you raised, Mr. Chairman, on China, that is going to be high on the President's agenda this week when he visits Asia.

Finally, Uzbekistan. If we would have been having this discussion a couple of years ago I would have put it in the first category of a country that was an ally of the United States. And that has obviously changed, though I think some folks, particularly in the Pentagon, may still be in denial about it. Uzbekistan is not even

pretending to be a friend or ally of the United States right now, it is certainly no longer pretending to heed American concerns about human rights. We saw the brutal Andijan massacre, hundreds of people gunned down in broad daylight.

We have seen these terrible show trials. Frankly, I was a bit concerned about Ambassador Hanford's statement that they made progress on torture. To say that, just a couple of days after we saw these poor souls stand up before these show trials and beg to be executed by their government, obviously as a result of having been brutally tortured in ways we haven't seen since Stalin's days, I think that is a pretty egregious example of trying to spin the positive that we should call them on.

Again, this is a country that, had we named them as a CPC a few years ago, might have made a difference because they wanted a close relationship with us then. They should have been named as CPC this time around. I think they weren't, mostly because the State Department was embarrassed that they didn't do it a few years ago, and they didn't want people to say we only did it this time because they kicked us off that base.

Nevertheless, for the sake of this discussion, let's treat them as a CPC because they deserve to be, while honestly acknowledging that much more than designation is going to be needed to bring them around. We need a strategy now that is going to convey to people around President Karimov, the man who rules Uzbekistan, that whichever direction he may be wanting to take that country, it is not in their interests to follow them.

The European Union has imposed targeted sanctions on a list of Uzbek leaders who were responsible for the Andijan massacre. We have not done so. Despite all the condemnations, the only action taken in the United States-Uzbek bilateral relationship since the massacre was taken by the Uzbeks when they kicked us off the base. We haven't done anything apart from issuing condemnations.

We do need to move to a point where we are imposing I think carefully targeted sanctions, in the way that we did effectively in Serbia several years ago, against those people around Karimov, who I think can make the difference in terms of which direction the country goes.

On all these issues, Mr. Chairman, we need the continued oversight and leadership of the Congress. We wouldn't have this religious freedom process if it was not for your efforts and the efforts of the Congress. We wouldn't have the Administration prodding any of these countries if you weren't prodding the Administration to prod them. So I am only telling you what you know and what you are already going to do, but I do want to tell you that we need it and we appreciate it a great deal.

Thank you very much.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF MR. TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR,
HUMAN RIGHTS WATCH

Mr. Chairman, thank you for holding this hearing and for inviting me to testify. Since the passage of the International Religious Freedom Act in 1998, a great deal has been achieved. Religious freedom has increasingly been recognized as a fundamental human right. Its promotion around the world has become a greater priority for the U.S. government. The annual report issued by the State Department has

given us perhaps the most comprehensive picture we've ever had of the state of respect for religious freedom around the world. It has shined light into some very dark places. When this right is denied, we can still choose not to act. But we can no longer pretend not to know.

Knowledge of human rights abuses can help deter them; even the most repressive governments, on some level, are ashamed of what they do. But seven years after the law's passage, we also need to ask what we're doing with this knowledge. Is the U.S. government doing what we can reasonably expect it to do to aid the victims of religious persecution around the world? Is it living up to its own promise to make this issue a consequential one in its relationships with countries around the world?

In answering that question, I would divide the countries of concern addressed by the religious freedom report into two categories.

One group consists of countries that violate religious freedom, but that are also U.S. allies or at least feel they have an interest in maintaining reasonably friendly relations with the United States. Such countries—Saudi Arabia for example—are probably more likely than others to want to avoid being criticized in the religious freedom report and to be named Countries of Particular Concern (CPCs). They are more likely to respond to diplomatic efforts by the United States seeking improvement in their records. Yet even for this group of countries, the novelty of simply being named and shamed likely wears off over time. Seven years into this process, effective diplomacy with this group needs to be backed by a willingness to take actions that affect their relationship with the United States. Otherwise, they will not continue to take the process seriously.

A second group consists of countries that already had adversarial relationships with the United States before they were named violators of religious freedom. Most countries that have been named CPCs belong to this category. And that means that the State Department has tended to use the CPC designation against those countries least likely to be affected by it. For the governments of many of these countries are already subject to political and economic pressure from the United States over other issues. The question in these cases is not what additional pressure results from the CPC designation. It is whether the United States is pursuing an effective and comprehensive strategy to change the overall behavior of the government concerned.

To illustrate these points, I'd like to discuss two countries in the first category I mentioned—Saudi Arabia and Vietnam—and two in the second—Burma and Uzbekistan.

Saudi Arabia

This year's State Department report accurately describes the situation in Saudi Arabia. It says: "Freedom of religion does not exist." Only the officially sanctioned version of Islam is permitted. The public practice of other religions is forbidden.

Though the Saudi government claims that people in the country are free to practice non-sanctioned religions privately in their homes, it often does not respect this right in practice. The Saudi religious police have continued to arrest and deport Christians for conducting private religious services. Saudi religious police continue to raid private homes where they suspect such services are taking place. They also continue to brutally enforce the country's overall policy of religious persecution, harassing, detaining, and beating people who they believe are straying from the officially sanctioned path.

Ironically, in terms of numbers, most victims of religious persecution in Saudi Arabia are Muslims. The Shi'a and Isma'ili Muslim communities suffer officially sanctioned political and economic discrimination. Even in Saudi Arabia's Eastern Province, where Shi'a Muslims constitute a majority of the population, virtually no Shi'as are allowed to serve in positions of authority in government, judicial or educational institutions.

Just yesterday, we received reports about two schoolteachers in Saudi Arabia, both Muslims, who have fallen victim to the country's strict laws on religion. One, a chemistry teacher named Muhammad Al-Harbi was accused of 'mocking Islam' simply for discussing Jews and the Bible with children in his classroom. He was sentenced to three years in prison and 750 lashes—50 lashes per week for 15 weeks. The other, a Riyadh teacher named al-Sahimi, was sentenced to 3 years and 300 lashes for "sanctioning adultery and sodomy," sanctioning singing and smoking," and "suggesting one should love not fear god." Interestingly, Sahimi's arrest was ordered by the Saudi Vice Minister for Defense and Aviation. He did not see a lawyer or even attend his own trial.

Also troubling, though more rare, are cases where defendants are sentenced, sometimes to death, for 'witchcraft' and 'sorcery'—a weapon the authorities have

wielded against non-conforming Muslims and sometimes simply to put an unwanted foreigner in jail.

Last year, the State Department for the first time designated Saudi Arabia as a Country of Particular Concern. The administration deserves credit for taking this long overdue step. It was a small but welcome sign of its growing willingness to raise human rights issues with allies in the Arab world. Yet by any reasonable measure, the administration has not followed through on this designation with effective action.

The U.S. Commission for International Religious Freedom has recommended that the administration impose a limited set of punitive measures on Saudi Arabia as a result of its CPC designation, including a visa ban for officials responsible for egregious violations of religious freedom, and banning the export of dual use items to the Saudi government agencies involved. According to the Commission, in 2004, the Commerce Department approved \$67 million of articles for export to Saudi Arabia, including such items as thumb cuffs, leg irons, and shackles.

After the CPC designation, however, the administration asked for time for diplomacy to work before taking action. The deadline of 180 days after designation passed, and still no action was taken. In September, President Bush formally waived sanctions, in hopes that progress would soon be forthcoming. But today, there appears little movement in Saudi Arabia to address international concerns, even in the form of modest steps, such as a public announcement that private worship will be protected, or improvements in bringing non-Muslim books into the country, or allowing visits by non-Muslim clergy. Meanwhile, on Sunday, Secretary Rice announced a new strategic dialogue with Saudi Arabia—a deepening of the relationship—without any hint of progress on religious freedom or human rights. The Saudis will undoubtedly draw the obvious lesson from this concerning America's priorities.

I recognize that diplomacy should be tried first in these situations, and that it can sometimes achieve important results. But Saudi Arabia has resisted diplomatic overtures on this issue for a very long time. The United States is going to find it harder and harder to convince the Saudi government that it is serious about promoting religious freedom if it is unwilling to take any action that affects the bilateral relationship.

Vietnam

The Vietnamese government continues to persecute followers of officially unrecognized religions, including ethnic minority Christians, Mennonites, members of the Unified Buddhist Church of Vietnam, and Hoa Hao Buddhists. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation.

In 2004, the United States designated Vietnam as a Country of Particular Concern. International pressure convinced Vietnam to pass a new ordinance on religion in 2004, and to release a number of religious prisoners in 2005. In February, 2005 the Prime Minister of Vietnam issued a decree banning forced recantations of faith and loosening restrictions for Christian organizations to register with the government.

Nevertheless, the government continues to require religious organizations to register with the government in order to be legal, and prohibits religious activities that it claims cause public disorder, harm national security or sow divisions. Local authorities have used the new regulations as grounds to arrest minority Christians suspected of belonging to churches that operate independently of the government. In addition, officials continue to force Christians to abandon their religion, despite the new directives banning such practices, and no offenders have been brought to justice.

Ethnic Hmong Christians in the northwest, ethnic Roglai in Ninh Thuan province, Montagnard Christians in the Central Highlands, and Hre Christians in Quang Nai have continued to be beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. In February and March 2005, religious repression and a heightened military presence in Lai Chau province caused a number of Hmong Christian families to flee to neighboring China, Burma and Laos. In March 2005, officials in Dien Bien province launched an official four-month campaign to eradicate Protestantism amongst the Hmong. This is described in a document written by the government's Task Force 184 in Dien Bien province, dated February 25, 2005, and entitled: "Mobilize People to Fight against Taking Advantage of Religion and Belief, and Against Illegal Propagation of Religion, and to Eradicate Gathering Places which Infringe on Public Security in Cha Cang Commune, Muong Nhe District."

In the Central Highlands, the government has continued to persecute ethnic minorities (collectively known as Montagnards), particularly those thought to be following “Dega Christianity”—a form of evangelical Christianity banned by the Vietnamese government. Since 2001 more than 200 Montagnard Christians have been imprisoned, many on charges that they are separatists using their religion to “undermine national unity.”

Buddhists have also been victims of the government’s religious policies. One monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was released from prison in 2005. However the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of the majority religion in the country. The UBCV’s Supreme Patriarch, Thich Huyen Quang and its second-ranking leader, Thich Quang Do have been confined without charges to their monasteries for years, under police surveillance. The Foreign Ministry restricts visitors to the monks, including diplomats and journalists, on grounds they are under investigation for possession of “state secrets.”

I welcome the State Department’s decision to maintain Vietnam’s status as a Country of Particular Concern. The United States did reach an agreement with Vietnam in May, 2005, that addressed religious freedom concerns—a sign that the CPC process may be having a constructive impact. But whatever promises Vietnam may have made, there is not yet evidence that its record has improved to the point that its CPC status can be lifted. Moreover, the text of that agreement has not been publicly released. I urge the State Department to make it public so that Vietnam can be held accountable for implementing the commitments it has reportedly made.

Burma

Mr. Chairman, as I mentioned at the outset, the governments of most countries the State Department has designated as CPCs already have adversarial relationships with the United States. Being named to this list of religious freedom violators will likely mean nothing to them. But that doesn’t mean there is nothing we can do.

Plainly, one of those countries is Burma. Burma deserves to be named a CPC. For over 40 years, the generals who rule Burma have abused their citizens’ right to religious freedom. It has used the dominant religion of the state, Theravada Buddhism, as part of its effort to “Burmanize” ethnic minority populations. Burma’s Christian, Muslim, and other religious minority populations continue to suffer from state monitoring, harassment, and discrimination.

But Burma is also an equal opportunity abuser. Its government restricts the basic rights and freedoms of all its people. It continues to attack and harass the winner of the 1990 elections, the National League of Democracy, and its leader Aung San Suu Kyi, who remains under house arrest. It continues to commit systematic, widespread, and well-documented abuses in conflicts with ethnic minority rebel groups, including extrajudicial executions, rape, torture, forced relocation of entire villages, and forced labor. As of late 2004, an estimated 650,000 people were internally displaced in eastern Burma alone, and at least 240 villages have been destroyed, relocated or abandoned since 2002. Some 2 million Burmese have moved to Thailand, including 145,000 refugees living in camps.

For these reasons Burma is already, appropriately, subject to economic sanctions by the United States and the European Union. The question now is now whether the U.S. can add to its own package of sanctions, but whether it can work with allies in Asia and Europe to mobilize effective pressure for change.

Such an effort is now underway at the U.N. The administration, to its credit, has endorsed a call recently made by former Czech President Vaclav Havel and South African Bishop Desmond Tutu to bring Burma before the U.N. Security Council, where its atrocious human rights record and destabilizing impact on its region can at least be discussed. Ultimately, we would want to see the Council take action on Burma. One possible step would be the appointment of a U.N. Commission of Inquiry to investigate the commission of war crimes and crimes against humanity against Burma’s ethnic minority population.

A U.N. Security Council resolution can, of course, be vetoed by any permanent member. But to put an issue on the Council Agenda simply requires nine votes, with no vetoes allowed. Getting Burma on the agenda is clearly an achievable goal, if the administration pushes hard enough at a high enough level. I hope this issue will be high on President Bush’s agenda as he travels to Asia this week.

Uzbekistan

Had we been having this discussion a couple of years ago, Mr. Chairman, I would have put Uzbekistan in my first category of countries with poor records but relatively close relations with the United States. Had the State Department named

Uzbekistan a CPC then, a designation it richly deserved, it might have had an impact on that country's policies. During those days, when the U.S. military was deeply engaged in Uzbekistan, when U.S. aid was increasing, when U.S. officials were making a bee line to visit Tashkent and when the Uzbek President was visiting the White House, Uzbekistan very much wanted to avoid being named and shamed as a CPC and, if named, might have made significant concessions to get off the list.

Now, though some in the administration may still be in denial about this, Uzbekistan is no longer even pretending to be a friend or ally of the United States. It is certainly no longer pretending to heed American concerns about human rights. Earlier this year, Uzbek security forces massacred—deliberately, in broad daylight—hundreds of civilians who were peacefully demonstrating for their basic human rights in the city of Andijan. It has since launched a brutal crackdown on democratic dissent, staging show trials reminiscent of Joseph Stalin's Soviet Union, in which tortured defendants confess to their "guilt." When the United States complained about this, the Uzbek government staged hate rallies vilifying the United States, and kicked the U.S. military off its base in southern Uzbekistan. Uzbekistan has utterly defied U.S. demands to allow an international investigation of the Andijan massacre.

This year, once again, the State Department rejected the recommendation of the U.S. Commission on International Religious Freedom to name Uzbekistan a CPC. It's hard to explain this bizarre decision. Uzbekistan clearly merits designation. It follows the old Soviet model of allowing religious activity only if it follows a script written by the state. Uzbek law requires all religious groups to register with the government, and criminalizes all efforts to organize a unregistered religious group or to resume activity in a group once it has been denied registration. This system results in the repression of Muslims as well as various Christian groups, who during this year, had a number of applications for registration that were ignored.

In the last few years, thousands of people have been imprisoned in Uzbekistan as part of a campaign against extremist, but non-violent, Muslims. In fact, many of those arrested are merely observant Muslims, not members of any extremist organization, who wished to meet with others to pray or study Islam. Those arrested are sentenced them to lengthy jail terms and routinely tortured.

So why did the State Department refuse to name Uzbekistan a CPC? I don't think that the Department is trying to protect a relationship with Uzbekistan that no longer exists. My best guess is that it is worried that if it designated Uzbekistan this year, after never designating it before, people would say that it's just a reaction to getting kicked off the base. Perhaps the State Department recognizes that the only difference between Uzbekistan now and Uzbekistan then is that the relationship with the U.S. isn't as close, and so its previous decisions not to name Uzbekistan would look like they were based on political, not objective, criteria. It seems to me that the State Department has really tied itself in knots over this case.

The decision not to name Uzbekistan undermines the integrity of the CPC process. But in all honesty, I don't think that naming Uzbekistan would have made much difference for the people of that country. As I've suggested, the time when Uzbekistan might have responded to such a step with concessions has come and gone. What's needed now is a much more ambitious, sustained and comprehensive U.S. strategy to change the Uzbek government's calculations. And here, I think the administration is also tied up in knots. Since the Andijan massacre, the State Department has rhetorically condemned Uzbekistan. It has, rightly, insisted on a credible international investigation of those events, even though that insistence risked losing the Pentagon its basing rights in the country. But when it comes right down to it, in the six months since the massacre, the only real action affecting the bilateral relationship was taken not by the United States, but by Uzbekistan, when it did, in fact, kick the U.S. military out. The European Union has imposed sanctions on Uzbekistan; the United States has not. I have no idea what the administration's overall strategy for dealing with this country is. I don't believe that the administration itself has an idea what its strategy is.

At the very least, the administration should join with its European allies in imposing sanctions carefully targeted at Uzbek government officials implicated in the massacre and the crackdown and show trials that followed. Uzbek President Karimov probably can't be dissuaded by the United States from leading his country in a disastrous direction. But those around him should understand that it is not in their personal interest to follow where Karimov leads.

Mr. Chairman, on all these issues, we need the continued oversight and leadership of this Committee and the Congress. There would be no religious freedom report and no CPC process if not for action by the Congress. There would be little prodding of Saudi Arabia or Vietnam or Uzbekistan or Burma by the administration if there was not prodding of the administration by the Congress. For that, you have

our gratitude, and more important, the gratitude of people all around the world who struggle for their human rights.

Mr. SMITH. Thank you very much, Tom. Your point on the Uzbek leaders—we would like to talk with you after the hearing—but I think at a minimum, that deserves a letter immediately, and we need to look at maybe some legislation or resolution to try to get that more focused.

Mr. MALINOWSKI. I fear, like many good things, it may require legislation. It shouldn't have to, but we may need it.

Mr. SMITH. Thank you very much.

Mr. Aikman.

STATEMENT OF MR. DAVID AIKMAN, AUTHOR, "JESUS IN BEIJING: HOW CHRISTIANITY IS TRANSFORMING CHINA AND CHANGING THE WORLD BALANCE OF POWER"

Mr. AIKMAN. Mr. Chairman, Congressman Payne, thank you very much for giving me the opportunity of being here.

I have been asked to comment on the section of the report dealing with China and, in particular, with the situation of Christians in China. I will, of course, make reference to the Chinese Government's treatment of other religions, but my focus will be on the situation with regard to religious freedom of Protestant and Catholic Christians.

As the report makes clear, China, unfortunately, has given no reason since the last report not to continue to be included in the category of intense repression of religious freedom that the Secretary of State has categorized as "of particular concern."

In Tibet Buddhism, in Xinjiang Islam, and throughout China, both Protestant and Catholic Christianity and practitioners of Falun Gong, during late 2004 and early 2005, were the target of deliberate attempts by the central government and local officials to suppress the freedom and autonomy of people of faith.

I would like to draw particular attention to continuing efforts to break up house church communities and to hamper severely the activities of Chinese Catholics who are not affiliated with the Chinese Catholic Patriotic Association.

In December 2004, the arrest and detention of Henan Province Protestant leader Zhang Rongliang was an egregious example of an entirely unjustified persecution of a prominent Chinese Protestant leader.

I first met Mr. Zhang 7 years ago, and he made it clear that he had no political argument with the Chinese Government. In August 1998, he and several other Chinese Protestant house church leaders agreed on a document, "The United Appeal of Various Branches of China's House Church," which appealed to both the government and to government-approved organizations responsible for Protestant Christian activity in China, to allow China's unregistered Christian communities not to be persecuted merely because they did not want to be registered with the authorities.

In the fall of that year, he signed another document, "A Confession of Faith," which was a carefully thought-through statement of Evangelical Protestant belief, regarded by theologians in this country and elsewhere as entirely orthodox from the perspective of Evangelical Protestant theology.

Nevertheless, when a senior Chinese official responsible for the administration of China's faith community came through the United States in 2004, he gave as his reason for the Chinese Government's failure to respond to the united appeal the entirely specious reply that the signatories of the document had been members of cults. In November 2004, the United Nations Working Group on Arbitrary Detention, after reviewing the case of Mr. Zhang Rongliang, found that his detention was indeed arbitrary.

Two months ago, another prominent Chinese Protestant Christian was released after 2 years of imprisonment in a reform through labor camp. As is well known, sentences of up to 3 years can be given in such camps by the Chinese authorities without the inconvenient formality of a trial. The individual was Mr. Zhang Yinan, an intellectual from Henan Province, who had studied closely the development of Christianity in China, particularly in the past four decades.

Mr. Chairman, may I notify you of the heinous offense for which Mr. Zhang was confined for 2 years in a labor camp? He had written in a private prayer journal that he was praying that someday China would have a Christian Constitution and Christian leaders. Note that the prayer journal had not in any way been made public at the time it was seized in a search of Mr. Zhang's home.

A Chinese friend of Mr. Zhang who phoned the Public Security Bureau investigator in charge of the case asked why Mr. Zhang was being held. "Zhang Yinan does not have a criminal problem," the investigator replied on the phone, "he has a mind problem."

If a local Chinese investigator is free to label as a "mind problem" the comments of a private man of Christian faith in the center of China, it is very easy to see why China should continue to be regarded as a country of particular concern in the State Department *Annual Report on International Religious Freedom*.

In March 2005, new regulations on religious affairs came into effect in China, having been signed by Premier Wen Jiabao at the end of November 2004. Singled out in the new regulations for special prohibition were the publishing and distribution of religious texts, including simply the printing of Bibles.

Just 8 days ago, a prominent Beijing Christian pastor—Mr. Chairman, you have already mentioned him—Mr. Cai Zhaohua, was sentenced to 3 years imprisonment for allegedly illegal business activities. When police searched his warehouse they found, amongst other things, 200,000 Bibles.

Now, the interesting thing is, the Bible is not illegal in China. China provides a hospitable environment also for enterprising publishers of all kinds of things, including just-released pirated DVDs of American movies which you can buy without fear of action against you by the authorities on Beijing's main streets. Yet it is somehow illegal for a Chinese businessman to print a Bible, a book that is legally permitted in China and for which there is no copyright at all. By the way, Mr. Cai just liked to give away his Bibles.

I am not going to read the rest of my report in the interest of time, but I would like to draw your attention to the fact that one of the extreme problems of religious suppression in China is the tendency or, rather, the insistence of the Three-Self Patriotic Movement which controls the Chinese Protestant Church to insist in im-

posing a theology upon all of Chinese Christians, which for many of them is quite unacceptable.

For example, the gentleman who is almost continuously referred to as the authority of Protestant Christianity in China is an elderly bishop called Bishop Ding Guangxun, who is 90 years old. He is apparently not retired. Mr. Ding Guangxun has developed something that he calls "reconstruction theology," which is sort of a sophisticated version of 1950s liberal Protestantism, where he is insisting that every single official seminary in China teach every single one of its students; and that, furthermore, every single one of the authorized Protestant clergy proclaim the same theological message in China's seminaries.

Mr. Chairman, one of the things we have also seen is the detention of Chinese Catholic bishops who run afoul of the Chinese authorities. Catholic Bishop Gao Kexian died in August 2004 at the age of 76 in an unknown prison camp in north China. According to an American Catholic writer familiar with the situation, there are at least 18 bishops of China's unrecognized Catholic Church, loyal to Rome and not recognized by the State, who are in some form of detention today.

Four Chinese bishops from the officially-recognized Chinese Catholic Patriotic Association were even denied permission to attend a worldwide synod of bishops in Rome last month. In Hebei Province, center of the most concentrated community of Catholics in China, police activity aimed at suppressing China's unrecognized Catholic priesthood and laity is a constant reality of Catholic life.

Mr. Chairman, Americans in general harbor no ill-will toward China and indeed wish the country the greatest possible success in raising the living standards of its people. But most Americans also hope that the Chinese Government will recognize that religious freedom is not just a right to be grudgingly granted to people by its rulers, but, when embraced, a blessing for every nation that chooses to practice it.

As I said, Mr. Chairman, most Americans wish the very best for the Chinese people. But most Americans would also agree that of all the good things Americans desire the Chinese to enjoy as soon as possible, freedom of conscience and freedom of faith are among the first. Without that, few of the other blessings of prosperity are worth very much.

Mr. SMITH. Thank you so very much.

[The prepared statement of Mr. Aikman follows:]

PREPARED STATEMENT OF MR. DAVID AIKMAN, AUTHOR, "JESUS IN BEIJING: HOW CHRISTIANITY IS TRANSFORMING CHINA AND CHANGING THE WORLD BALANCE OF POWER"

Mr. Chairman, members of the sub-committee, Members of the House, ladies and gentlemen, I would like to begin by congratulating Ambassador at Large for Religious Freedom John Hanford, his staff in the Department of State, and foreign service officers in many different nations and cities for an excellent document, the International Religious Freedom Report of 2005.

I have been asked to comment on the section of the report dealing with China, and in particular with the situation of Christians in China. I will, of course, make reference to the Chinese government's treatment of other religions, but my focus will be on the situation with regard to religious freedom of Protestant and Catholic Christians. As the report makes clear, China unfortunately has given no reason since the last report not to continue to be included in the category of intense repression of religious freedom that the Secretary of State has categorized "of particular

concern.” In Tibet Buddhism, in Xinjiang Islam, and throughout China both Protestant and Catholic Christianity during late 2004 and early 2005 were the target of deliberate attempts by central government and local officials to suppress the freedom and autonomy of people of faith. I would like to draw particular attention to continuing efforts to break up and intimidate leadership of Protestant House church communities and to hamper severely the activities of Chinese Catholics who are not affiliated with the Catholic Patriotic Association.

In December 2004 the arrest and detention of Henan province Protestant leader Zhang Rongliang was an egregious example of entirely unjustified persecution of a prominent Chinese Protestant leader. I first met Mr. Zhang seven years ago, and he made it clear he had no political argument with the Chinese government. In August of 1998 he and several other Chinese Protestant house church leaders agreed on a document, “The United Appeal of Various Branches of China’s House Church,” which appealed to both the government and to government-approved organizations responsible for Protestant Christian activity in China to allow China’s unregistered Christian communities not to be persecuted merely because they did not want to be registered with the authorities. In the fall of that year, he signed another document, “A Confession of Faith,” which was a carefully thought-through statement of evangelical Protestant belief, regarded by theologians in this country and elsewhere as entirely orthodox from the perspective of evangelical Protestant theology. Nevertheless, when a senior Chinese official responsible for administration of China’s faith community came through the United States in 2004, he gave as his reason for the Chinese government’s failure to respond to “The United Appeal” the entirely specious reply that the signatories of the document had been members of cults. In November, 2004, the United Nations Working Group on Arbitrary Detention, after reviewing the case of Mr. Zhang Rongliang, found that his detention was indeed arbitrary.

Two months ago, another prominent Chinese Protestant Christian was released after two years imprisonment in a reform through labor camp. As is well known, sentences of up to three years can be given in such camps by the Chinese authorities without the inconvenient formality of a trial. The individual was Mr. Zhang Yinan, an intellectual from Henan Province who had studied closely the development of Christianity in China, particularly in the past four decades. Mr. Chairman, may I notify you of the heinous offense for which Mr. Zhang was confined for two years in a labor camp? He had written in a private prayer journal that he was praying that some day China would have a Christian constitution and Christian leaders. Note that the prayer journal had not in any way been made public at the time it was seized in a search of Mr. Zhang’s home. A Chinese friend of Mr. Zhang who phoned the public security bureau investigator in charge of the case asked why Mr. Zhang was being held. “Zhang Yinan does not have a criminal problem,” the investigator replied, “he has a mind problem.” If a local Chinese investigator is free to label as a “mind problem” the comments of a private man of Christian faith in the center of China, it is very easy to see why China should continue to be regarded as “a country of particular concern” in the State Department annual report on International Religious Freedom.

In March 2005, new regulations on religious affairs came into effect in China, having been signed by Premier Wen Jiabao at the end of November 2004. The Vice President of the China Islamic Association, and organization approved by the authorities, said that the regulations were “designed to protect Chinese citizens’ religious freedoms, a basic human right.” But singled out in the new regulations for special prohibition were the publishing and distribution of religious texts, including simply the printing of Bibles. Just eight days ago, a prominent Beijing Christian pastor, Cai Zhaohua, was sentenced to three years imprisonment for allegedly illegal business activities. When police searched his warehouse they found, among other things, 200,000 Bibles. Now the interesting thing is that the Bible is not illegal in China. China provides a hospitable environment for enterprising publishers of all kinds of things, including just-released pirated DVD’s of American movies, which you can buy without fear of action by the authorities on Beijing’s main street from East to West into Tiananmen Square. Yet it is somehow illegal for a Chinese businessman to print a Bible, a book that is legally permitted in China and for which there is no copyright at all. By the way, Mr. Cai liked just to give away his Bibles.

Mr. Cai’s real challenge to the government, however, was that he was the pastor of an unregistered house church group of Protestant Christians. As is well known both inside and outside China, many of China’s Protestants don’t want to register with the government because they know that it is probable that they will be forced to submit to the Three Self Patriotic Movement, the organization under the supervision of the State Administration for Religious Affairs that is authorized to oversee all permitted Protestant Christian activities in China. Why don’t China’s house

churches want to submit to the theology of the TSPM? One reason is that the TSPM is dominated by the theology of a 90-year-old Chinese bishop, K.Ting, or Ding Guangxun, who does not believe in justification by faith, a key Protestant theological point, or the inerrancy of the Bible, a doctrine shared by Protestant evangelicals all over the world, or even the theological difference between Christian faith and unbelief. Bishop Ding has been forcing down the throats even of TSPM official pastors a theology the vast majority of them deeply resent, the so-called Theological Reconstruction. This is an attempt to interpret as Christian the doctrines of socialism, or more precisely, the Marxism-Leninism Mao Zedong Thought version of socialism. Since China's own political leadership seems to have wandered far from such doctrines in its directing of the national economy, there is a certain irony in a nonagenarian Chinese bishop trying to force China's entire community of Protestant pastors to espouse it.

Age, however, proves to be no protection for Chinese Catholic bishops who run afoul of the Chinese authorities. Catholic Bishop Gao Kexian died in August 2004 at the age of 76 in an unknown prison in north China. According to an American Catholic writer who is informed on this subject, there are at least 18 bishops of China's unrecognized Catholic church, loyal to Rome and not recognized by the state, who in some form of detention today. Four Chinese bishops from the official recognized Chinese Catholic church, the Chinese Catholic Patriotic Association, were even denied permission to attend a worldwide synod of Catholic bishops in Rome last month. In Hebei Province, center of the most concentrated community of Catholics in China, police activity aimed at suppressing China's unrecognized Catholic priesthood and laity is a fairly constant reality of Catholic life.

Mr. Chairman, these examples I have cited of egregious Chinese government suppression of religious freedom confirm why the Secretary of State has been correct in pronouncing China, with regard to religious freedom, "a country of particular concern." Now, Mr. Chairman, most Americans harbor no ill-will towards China, and indeed wish the country the greatest possible success in raising the living standards of its people. But most Americans also hope that the Chinese government will recognize that religious freedom is not just a right to be grudgingly granted a people by its rulers, but, when embraced, a blessing for every nation that chooses to practice it. As I said, Mr. Chairman, most Americans wish the very best for the Chinese people. But most Americans would also agree that of all the good things Americans desire the Chinese to enjoy as soon as possible, freedom of conscience and faith are among the first. Without that, few of the other blessings of prosperity are worth very much. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Uzzell.

**STATEMENT OF MR. LAWRENCE A. UZZELL, PRESIDENT,
INTERNATIONAL RELIGIOUS FREEDOM WATCH**

Mr. UZZELL. Thank you, Mr. Chairman. It is always a pleasure and an honor to testify before your hearings, whether it is in this venue or in the U.S. Helsinki Commission. My thanks also to Congressman Payne for your participation.

I think we don't always realize how much of a difference these hearings make. Even if they don't lead to legislation, just the fact of Congress doing what it is doing today often makes a concrete difference to persecuted believers. It is also noticed by those who are doing the persecuting.

In the interests of time, I would request that my full written statement be part of the hearing record. I have also attached an appendix in the form of two statements on Turkmenistan and Uzbekistan from my friends at the Forum 18 News Service which I would like included as well.

Mr. SMITH. They will be, without objection, as well as those of all of our witnesses.

Mr. UZZELL. Thank you very much.

In commenting on the State Department report, I find I can't improve on what I was told 2 years ago by Thomas Farr, who was the senior career official in the very office in charge of producing

this report in the State Department. He said, "So far, at best, we have merely laid the tracks for something that still needs to move up to another level." I think that is still true. These reports should be getting better with each passing year. In some ways they are; but in some ways there is still lots of room for improvement.

You were kind enough to quote me, Mr. Chairman, on the two fundamental flaws which I identified, so I will not repeat those words. I will just talk about one or two of the indigenous religious groups that I think are neglected.

The first is Russia's unregistered Baptists, the so-called "initsiativniki." The State Department is slowly making progress in its coverage of this denomination, but I think it still has a long way to go.

I spoke just last week with Andrew Okhotin, a Russian American divinity student, who testified on behalf of the unregistered Baptists at a hearing of the Helsinki Commission here on Capitol Hill last April. The hearing was something of a breakthrough in getting Washington to focus on the initsiativniki. It led to introduction of a congressional resolution on unregistered religious bodies in Russia, and, in my opinion, the mere existence of this resolution, even just as a proposal, has already made a difference.

I found, during my visit to Russia last month, that the authorities have now given the Baptists in Lyubuchany, in the countryside south of Moscow, formal permission to rebuild their house church. These are the very same authorities who mounted a massive police raid on that congregation in the summer of 2004, the same authorities who are suspected of being behind the mysterious arson attack that destroyed the house church, the same authorities who then threatened legal action against the Baptists merely for trying to rebuild their own property. Obviously, this is a major change of course, and it is one that the U.S. Congress can take credit for. But I think we need to emphasize this was a breakthrough launched not by the State Department, but by Members of the Congress.

Ambassador Hanford said earlier, and I agree with him, that it is not a good thing for diplomats to be spending too much time behind their desks. They should be going out and meeting people, and indeed that is one of the things that I am criticizing the State Department for. I think they haven't done enough to go out and meet people who are not always grinding out press releases and are not always expert at media and government relations.

Andrew Okhotin, who I think was the star witness at last April's Helsinki Commission hearing, is here in the United States. He is readily available. He is fluent in English, as those know who were present at that hearing. He told me last week that the State Department has not contacted him to get a briefing on the overall situation of the unregistered Baptists in Russia. There was one brief contact about the caucasus but they haven't taken advantage of this resource that is available to them right here. I will leave out the rest of what I have to say about that.

Let me mention, briefly, one other body. I thought this was a particularly egregious case. There are several Orthodox Christian groups that are independent from the mainstream Moscow Patriarchate. They would be regarded by mainstream Orthodox Christians as schismatics, the way one might regard disciples of Arch-

bishop Lefevre as being schismatics from the Roman Catholic Church. But whatever you may think of these people theologically, they have the same rights of religious freedom from a human rights standpoint or from a government standpoint as other Orthodox Christians. And it was very sad to see that the State Department's coverage of these extremely vulnerable groups in this year's report was limited to a single generalized sentence, which was an exact repetition of the language about them in last year's report.

You mentioned, Mr. Chairman, the Armenian Apostolic Church in Turkmenistan. I realized as I was reviewing my notes last night that I had forgotten to include the Shi'ite Muslims in Turkmenistan. Because of its location right next to Iran, which is predominantly Shi'ite, across the Caspian Sea from Azerbaijan, which is also predominantly Shi'ite, Turkmenistan has a Shi'ite minority. There are probably more Shi'ite Muslims in Turkmenistan than there are Protestants, although Turkmenistan itself is predominantly a Sunni Muslim country. But there is far, far more coverage of Protestants and Jehovah's Witnesses than there is of Shi'ites, and I think that sends a signal that Washington should not want to be sending about its interest in indigenous religious groups and in their freedom.

I will skip over most of what the rest of what I had to say in my written testimony for lack of time.

The other flaw that I mentioned is too little analysis as distinct from the mere recitation of facts. Again, Ambassador Hanford commented on that. I have some sympathy for his comments. You don't want the human rights reporters to be like thumb-sucking Op-Ed writers. You don't want them to try to be brilliantly original, going off on wildly original interpretations; you want these reports to be solid and reliable.

But maybe I can suggest a middle ground, Mr. Chairman. When I read the newspaper about politics, often I find the most valuable things in my daily newspaper are neither the daily news story, which tells me what happened in the last 24 hours, nor the Op-Ed piece with the Republican- and the Democratic-leaning columnists taking their predictable positions. It is the news analysis. It is that middle ground that tries to sum up the current House race or the current Presidential campaign and draw larger patterns, larger trends in ways that conservatives and liberals would agree on, Republicans and Democrats would agree on. I think there is not enough of that in the State Department. It is too much mere recitation of facts.

I hate to disagree with Nina Shea, but I am going to on one point. I think the most egregious report is not the one on Saudi Arabia, but the one on Turkmenistan, beginning with the first sentence in which the State Department's report says, "The government continues to monitor all forms of religious expression." "Monitor" is an extraordinarily limp-wristed word to use in that context. In reports on other oppressive countries, they justifiably use much harsher language, words like "repress" and "restrict" and "persecute," which are fully justified in the case of Turkmenistan. The Turkmenistan report says that there are no religious prisoners now in Turkmenistan. Most human rights activists would consider that former Chief Mufti is indeed a religious prisoner.

I am running out of time. One more point about Russia. Just today, the distinguished expert on minority ethnic groups and religions in Russia, Paul Goble, has a report out on the Kremlin seeking tighter controls over religion in Russia. The Justice Ministry of Putin's own Government has floated a proposal which, among other elements, would require all members of one religion to be subordinate to a single center so that, if this is put into effect, there would be only one recognized Jewish leader for all the Jews in Russia, despite all the different theological movements within Judaism. There would be only one recognized Muslim leader. I think this is a serious development which bears close watching.

One last point. I was glad to see that the report section on Russia has almost completely stopped using the word "proselytism," but I wish I could say the same about the rest of the report. The word "proselytism" has a connotation that implies that any vigorous advocacy of religious belief intended to convert others is inherently fanatical, inherently in some way illegitimate.

We don't apply that standard to secular belief standards like feminism or environmentalism. We recognize that people who hold these strong beliefs have the right to win converts all over the world, even in cultures where their beliefs are profoundly alien. No matter how much one may dislike religious missionaries, either in substance or in style, they have every right to preach their message. And I would suggest that the State Department's choice of words should reflect that principle.

Thank you very much.

[The prepared statement of Mr. Uzzell follows:]

PREPARED STATEMENT OF MR. LAWRENCE A. UZZELL, PRESIDENT, INTERNATIONAL
RELIGIOUS FREEDOM WATCH

In commenting on the latest State Department report on religious freedom, I find that I cannot improve on what I was told two years ago by Thomas Farr, formerly the senior career official in the office in charge of producing that report. He said that "so far, at best we have merely laid the tracks for something that still needs to move up to another level." Unfortunately that is still true.

These annual reports should be improving with each passing year as State gains more experience in producing them. In some ways they are: For example, coverage of Russia's crucial Muslim minority is better today than it was in 1999, though still in need of improvement. But in too many other areas State is essentially coasting. All too often its sections on individual countries simply repeat the same language from one year to the next, falling back on standard formulas rather than providing new insights into the changing dynamics of repression. Sometimes they even repeat factual errors.

Today I would like to focus on two fundamental flaws. My specific examples of these flaws will come mostly from the report's section on Russia, but I would like to add my voice to those who have criticized the sections on Uzbekistan and Turkmenistan. I have with me some excellent analyses from the Forum 18 News Service; let me request that these texts be added to the written record of this hearing. Like others, I find it utterly incomprehensible that the State Department has not formally designated Uzbekistan and Turkmenistan as "countries of particular concern" for their gross violations of religious freedom.

The first flaw is that the State Department report still places too much emphasis on cataloguing facts—individual cases of repression—and too little emphasis on analyzing the causes, trends and overall patterns behind those facts. All too often it lists the individual trees but misses the forest.

Second, this year's report like those of previous years flunks what ought to be a basic test of U.S. diplomatic efforts in this area: Is the U.S. government truly working for religious freedom for all believers, or is it working primarily to help denominations with large numbers of members in the United States? Is Washington pro-

moting equal rights for all religions, including indigenous religions, or is it just clearing the path for American missionaries?

Let me discuss that second flaw first. I concede that it is difficult to meet my suggested test; good intentions are not enough. Imagine yourself as a human-rights officer in the U.S. Embassy in Moscow: You are bombarded with information from groups such as the Mormons and the Jehovah's Witnesses, which are highly skilled in media and government relations. These groups know how to present their material so as to earn your confidence and make it as easy as possible for you to do your job. They are often much easier to study than purely indigenous Russian religions such as the Old Believers or the "initsiativniki" Baptists; to the indigenous minority faiths the very concept of a western-style press release may still be something of a novelty. The indigenous minorities may not be especially interested in building relations with their own government, much less with foreign governments. They also may not be interested in dialogue with other religions; essentially they may just want to be left alone.

Thus it is all too easy for U.S. diplomats to fall into the trap of paying too little attention to indigenous minorities, even if those minorities may be suffering harsher repression than American missions and missionaries. The result of such disproportion is to play into the hands of ultra-nationalists in Russia and elsewhere who claim that America's professed interest in religious freedom is simply a cloak for cultural and political imperialism. Too many Russians dismiss America's efforts for religious freedom because America seems to dismiss Russia's religions.

Let me stress that I do *not* think that U.S.-based religious bodies are getting too much attention from Washington. If I were writing the State Department report I would not omit a single one of its references to the Mormons or Jehovah's Witnesses. The problem is that the report gives too *little* attention to other groups.

Consider Russia's unregistered Baptists, the so-called "initsiativniki." The State Department is slowly making progress in its coverage of this denomination, but it still has a long way to go. Last week I spoke with Andrew Okhotin, a Russian-American divinity student who testified on behalf of the "initsiativniki" at a hearing of the U.S. Helsinki Commission here on Capitol Hill in April. That hearing was something of a breakthrough in getting Washington to focus on the "initsiativniki." It led to introduction of a congressional resolution on unregistered religious bodies in Russia, and in my opinion the mere existence of this resolution—even just as a proposal—has already made a difference. I believe that the resolution was the key element in pushing the Russian authorities to back off in their harassment of two initsiativniki congregations in Tula and Lyubuchany. I found during my visit to Russia last month that the authorities have now given the Baptists in Lyubuchany formal permission to rebuild their house church. These are the very same authorities who mounted a massive police raid against the Lyubuchany congregation in the summer of 2004; the same authorities who are suspected of being behind the mysterious arson attack that destroyed the Lyubuchany house church in September 2004; the same authorities who then threatened legal action against the Baptists merely for trying to rebuild their own property. Obviously this is a major change of course. As in previous cases, members of the U.S. Congress have been able to help endangered religious believers just by publicly talking about them.

Let me emphasize, however, that this was a breakthrough launched not by the State Department but by members of Congress. I learned last week that to this date State has still not sought a briefing from Mr. Okhotin, the star witness at last April's congressional hearing, on the unregistered Baptists' problems with Russian officials. To its credit, this year's State report discusses the arson attacks on the house churches in Tula and Lyubuchany. But the report's section on Russia makes no specific references to the unregistered Baptists other than to these two extreme events. Short of such gross atrocities, the initsiativniki often experience harassment by the police when they try to hold open-air revival meetings or to distribute religious publications on the street. For example, in June the police detained initsiativniki evangelists in the town of Spas-Klepiki in the province of Ryazan, simply because these evangelists were exercising what ought to be their constitutionally protected right to proclaim their faith in public. This year's report has about twice as many references to the Mormons as to the unregistered Baptists, even though the latter are far more numerous in Russia and are clearly suffering harsher repression. As in previous years, the effect is to create the impression that the United States government is primarily interested in protecting American religious bodies that have strong constituencies in our own country, and less interested in protecting indigenous Russian religious minorities.

Even more inadequate is the State Department's coverage of the various Orthodox Christian bodies that are independent from the mainstream Moscow Patriarchate. These groups are extremely vulnerable for two reasons. First, the country's largest

and most powerful religion has special reason to target them since they are direct competitors for that religion's core constituency. Second, they have few adherents in the United States and no visible presence here in Washington. Sadly, State's coverage of them in this year's report is limited to a single generalized sentence, virtually an exact repetition of a sentence in last year's report with no new information or analysis. The report does not mention any specific cases such as one in Stavropol province reported in February by the Forum 18 News Service: Local police accompanied by clergy of the Moscow Patriarchate forced their way into a residence used as a place of worship by the breakaway Orthodox Rossiskaya Church. A bishop of this alternative Orthodox group was detained for three hours at a police station, and the Moscow Patriarchate clergy pressured him to submit to the authority of their own bishop.

A similar example, this one from the report's Turkmenistan section, is the insufficient coverage of the Armenian Apostolic Church. Armenians constitute one of the largest, long-standing Christian minorities in Turkmenistan, where they were free to organize formal church life before 1917. The Armenian Church is now legally registered in adjacent Uzbekistan, but not in Turkmenistan despite its deep historical roots there. State mentions that it is not registered but fails to provide the historical context showing what a particularly gross abuse this is; by contrast its report goes into great detail (as it should) about persecution of Protestants and Jehovah's Witnesses.

State is also still inadequate in its coverage of the Old Believers. This year's report mentions two disputes over the return of Old Believer church buildings confiscated by the Bolsheviks, but it fails to mention another, crucial property issue that is peculiar to the Old Believers. This issue was the main cause of the Old Believers' decision to oppose Russia's controversial 1997 law on religion: the government's connivance with the Moscow Patriarchate in stealing Old Believer valuables such as icons and bells. On Red Square, for example, the Moscow Patriarchate's newly restored Kazan Cathedral houses a magnificent bell commissioned a century ago by a wealthy Old Believer merchant. The Soviet regime seized that bell from Moscow's largest Old Believer church and kept it in storage for decades; the post-Soviet state then transferred it to the mainstream Moscow Patriarchate, which thus became a willing recipient of stolen property. The Moscow Patriarchate not only refuses to return such items to their rightful owners, but has successfully lobbied against efforts by the Old Believers to amend the law so as to bar such thievery.

By failing to champion the cause of the Old Believers, the State Department is missing a golden opportunity to show that Washington is committed to religious freedom for tradition-minded Russians, not just for the "foreign sects" demonized by Russian ultra-nationalists. The Old Believer faith is the most uniquely Russian form of Christianity: To this day it exists only in Slavic countries or in places where it was brought by Slavic emigrants. Intentionally or not, State's neglect of the Old Believers and the alternative Orthodox reinforces the ultra-nationalists' accusation that Americans are interested only in helping religions alien to Russia, religions newly imported by western missionaries.

This flaw is reinforced by the other flaw that I mentioned earlier: too little analysis as distinct from mere recitation of facts. One example of this is the report's failure to link the repression of the *initsiativniki* Baptists and the alternative Orthodox to certain specific provisions of the 1997 law. The report discusses the law's invidious distinction between so-called "religious organizations" and "religious groups," but makes it seem that this is a problem only for brand-new religions such as the Hare Krishnas. In fact, the law is cleverly written in such a way as to disfavor religious confessions which have been present in Russia since the 19th century or before, but which refused to collaborate with the Soviet regime. The 1997 law has created a systematic presumption against religious believers such as the *initsiativniki* and the True Orthodox, who managed to function underground during the Soviet era but were not formally recognized by the Soviet state. In effect the Yeltsin and Putin administrations have retroactively legitimized and partially restored Soviet standards of church-state relations—the standards of an explicitly anti-religious, totalitarian state. The Kremlin's willingness to repudiate such standards should be a key test of its commitment to making the transition from tyranny to freedom. Unfortunately, the State Department continues to fail to frame that issue clearly.

The report's discussion of Russia's Muslims also suffers from this lack of in-depth analysis. The list of specific rights violations is welcome, but State needs to go beyond that to probe underlying causes. A crucial point is that the Kremlin's deep-rooted penchant for centralized control makes it unwilling to accept the reality that Islam is one of the most non-hierarchical of all world religions. Moscow has continued the Soviet practice of artificially elevating the country's "Muslim spiritual directorates," originally created in the 18th century as tools of control for the czarist

state. These bureaucratic structures have no historic or spiritual legitimacy in Islam, and the Kremlin's use of them to promote its own puppet muftis makes it far harder for Russia's Muslims to produce legitimate leaders who would be in a far stronger position to combat extremism and terrorism.

More generally, both the Russian and the Central Asian sections of the report give too much weight to the question of formal registration: They encourage the false assumption that if a religious body can get legally registered, its problems are over. But human-rights monitors have found many cases where congregations have all their formal documents in order but still experience repression. When I visited Russia last month the head of the registered Baptists told me that in the city Moscow alone some 10 congregations had had to go out of existence because they were barred from renting places in which to worship.

I also mentioned earlier the problem of factual errors. In any report of this magnitude some errors are inevitable; the more initiative State takes in exploring new subjects, the more factual errors it will probably make. But when errors are repeated from one year to the next they undermine the report's credibility. For example, both last year and this year the report mistakenly calls the Roman Catholic church in Magadan a "cathedral" when in fact the Catholic cathedral for eastern Siberia is in Irkutsk. Both last year and this year the report states that "the 1997 law ostensibly targets so-called 'totalitarian sects' or dangerous religious 'cults'." Actually, neither of those terms is specifically used in the law.

One last point: I was glad to see that the report's section on Russia has almost completely stopped using the invidious term "proselytism"; I wish I could say the same about the rest of this year's report. The word "proselytism," with its connotation of sectarian fanaticism, is almost never applied to adherents of secular belief systems such as feminism or environmentalism; it is taken for granted that disciples of these movements should be free to pursue converts all over the world, even in cultures where their beliefs are profoundly alien. If we are truly committed to the principle that religious believers have the same free-speech rights as non-believers, we should avoid the all too common practice of selectively using the unsavory label of "proselytism" to discredit religious speech. No matter how much one may dislike religious missionaries in either substance or style, they have every right to preach their message. The State Department's choice of words should reflect that bedrock principle.

TURKMENISTAN: RELIGIOUS FREEDOM SURVEY, OCTOBER 2005

By Felix Corley, Forum 18 News Service

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In its survey analysis of religious freedom in Turkmenistan, Forum 18 News Service reports on the almost complete lack of freedom to practice any faith, including denials of the right of legally registered religious communities to worship. In a typical example of this approach—which other religious minorities have also experienced—police raided a legally registered Baptist church in northern Turkmenistan, claiming that “individuals can only believe alone on their own at home.” Unregistered religious activity continues—in defiance of international human rights agreements—to be attacked. There has been an increase in attempts to impose a state religious personality cult of President Niyazov on all Turkmen citizens, with mosques being particularly targeted. Turkmenistan continues to fail to implement its international human rights commitments, and also continues to take direct governmental action to deny religious freedom to peaceful Turkmen citizens.

Turkmenistan regularly claims that religious freedom exists in the country, one example being Foreign Minister Rashid Meredov's statement to the United Nations

Committee on the Elimination of Racial Discrimination (CERD) in August 2005. However, in practice, people in Turkmenistan are not permitted by the government to practice a faith or belief alone or with others, to meet freely for worship and spread their religious beliefs, or to freely choose to change their beliefs. The government tries to control the extremely limited legal religious activity it permits, which often does not—even for registered religious groups—include the right to worship. All unregistered religious activity remains banned and the government actively tries to suppress such activity along with its attacks on registered activity.

Places of worship have been confiscated and destroyed in recent years, while those still open are tightly restricted—with many faiths not being allowed any place of worship. Sharing religious beliefs in public and in the media is impossible, while formal religious education, apart from at a basic level, within places of worship or elsewhere is impossible. The exception to this is a small Muslim theological faculty in the capital Ashgabad [Ashgabat], and this faculty has this year had all its foreign (Turkish) staff expelled, its student numbers reduced, and its status downgraded. Religious believers have been fired from their jobs because of their faith, evicted from their homes and harassed, fined and beaten for meeting—even in private homes—for unsanctioned meetings.

The changes to the religion law in March 2004 to allow small religious communities to register has allowed about nine previously “illegal” religious communities to gain legal status. But this seems to have been a move purely for purposes of foreign publicity, as it is rendered worthless due to government refusal to allow religious communities to meet, especially outside Ashgabad.

The March 2004 changes to the religion law and the subsequent registration by the Adalat (Fairness or Justice) Ministry of some religious minority communities, together with the removal of criminal penalties for unregistered religious activity—which came under strong international pressure—were much trumpeted by the Turkmen government. The state’s record has encouraged religious communities to view the changes with suspicion (eg. see F18News 28 February 2005 <http://www.forum18.org/Archive.php?article—id=521>). Unregistered religious activity remains an administrative offence and state agencies have continued to behave as if unregistered religious activity was still a criminal offence.

The statistics given by Foreign Minister Meredov showed the limited impact of the changes. He said there are 91 registered Muslim communities, 12 registered Russian Orthodox communities, plus about nine registered communities of other faiths. A special commission attached to the Adalat Ministry is entrusted with processing registration applications, he added. It is believed this commission includes representatives of law enforcement agencies and other ministries.

Maysa Durdiyeva of the Adalat Ministry department that registers religious communities and non-governmental organisations told a conference in Ashgabad on 19 August that her ministry has registered 118 religious communities. Durdiyeva did not specify which denominations the 118 registered communities belong to and, contacted by Forum 18 in the wake of the conference, refused absolutely to give any information on registered communities or the numbers who have sought registration in vain. Significantly, she reminded conference participants—who came from a range of civil society groups and international organisations—that all activity by unregistered NGOs and religious communities remains illegal.

Strangely, in its written submission to the CERD, the Turkmenistan government had spoken of 382 mosques, 12 Orthodox churches and houses of prayer of other faiths in the country, without further explanation. The latest figures for registered religious communities are likely to be more accurate. Shirin Akhmedova, then an official of the Adalat Ministry, told Forum 18 in March 2004 that 152 religious communities currently had registration, 140 of them Muslim and 12 Russian Orthodox. She admitted that far more religious communities had registration before 1997, when the harsh restrictions on registration came in. In 1997 there were some 250 registered Muslim communities, as well as communities of many other faiths.

However, the 12 Russian Orthodox communities cited by officials are known to have been refused re-registration up to the present time, because the Turkmen government has tried to pressure the Russian Orthodox Church to take the Turkmen parishes from the jurisdiction of the Central Asian diocese based in Tashkent in neighbouring Uzbekistan and put them directly under the Patriarch of Moscow. Patriarch Aleksii wrote to President Niyazov in July 2005 politely rejecting this proposal. A Moscow-based priest familiar with the situation told Forum 18 in July that he personally believes President Niyazov is trying to create “independent Orthodoxy” in Turkmenistan. “He wants the Orthodox Church to exist, but a Church that is in his hand, just as he has done with Islam.” (see F18News 11 July 2005 <http://www.forum18.org/Archive.php?article—id=603>).

Appeals from the Russian Orthodox Holy Synod for the parishes to be re-registered have gone unanswered. Given the refusal to re-register the parishes, it remains unclear why government officials continue to include them in the statistics they give out.

There are signs that the international community increasingly does not believe Turkmen official statements. The CERD in August 2005, whilst noting what it called “the relaxation of registration rules in 2004,” was unimpressed by Turkmenistan’s human rights claims and amongst its recommendations pointedly called on the government “to respect the right of registered and unregistered religions to freely exercise their freedom of religion, and register religious groups who wish to be registered.”

Despite the government’s emphasis in its report to the CERD that Article 154 of the Criminal Code punishes “obstructing the exercise of freedom of conscience and religion”, Forum 18 is not aware of any government officials punished for organising or taking part in harassment of religious communities, whether beatings, threats, detention, fines, demolition or seizure of places of worship, confiscation of religious literature or denial of the right to travel for religious purposes.

In the wake of the government’s proclaimed liberalisation in 2004, harassment of religious communities continued. On 29 March 2004 President Niyazov told officials of the Gengeshi (Council) for Religious Affairs—which runs the Muslim community for the government—that he was handing over three new mosques to it and that no further mosques would be allowed. This appears to bar both Sunni and Shia Muslim communities that have been denied registration from taking advantage of the relaxation of the harsh registration requirements.

Religious meetings continued to be raided (with a new wave in summer 2005 which saw Protestants, Jehovah’s Witnesses and Hare Krishna devotees harassed), places used for worship have been confiscated or demolished and believers have been beaten, fined, detained, deported and sacked from their jobs in punishment for religious activity the government does not like. Some believers have been given long prison sentences in recent years for their religious activity (most of them Jehovah’s Witnesses, though all of them have now been freed) or have been sent into internal exile to remote parts of the country.

Jehovah’s Witness sources have expressed concern to Forum 18 that although their last conscientious objectors imprisoned for refusing compulsory military service on grounds of religious conscience were freed in April 2005, the lack of any alternative service means that any of their young men could still be arrested at any time.

Turkmenistan’s restrictions on religious activity come despite constitutional guarantees of freedom of religion (repeated in the March 2004 presidential decree and reiterated to the UN CERD). Yet whilst the CERD was in session, police raided a registered Baptist church in Dashoguz [Dashhowuz] claiming that “Individuals can only believe alone on their own at home.” (see F18News 18 August 2005 <http://www.forum18.org/Archive.php?article=id=632>).

Forum 18 was told that when church leaders strongly disputed this, the police were unable to find Article 11 of Turkmenistan’s constitution, which reads: “The state shall guarantee the freedom of religions and confessions and their equality before the law. Religious organizations shall be separate from the state and may not fulfill state functions. The state education system shall be separate from religious organizations and shall be a secular nature.

Everyone shall have the right independently to define his attitude toward religion, to profess any religion or not profess any either individually or jointly with others, to profess and disseminate beliefs associated with his attitude to religion, and to participate in the practice of religious cults, rituals, and rites.”

This police raid on a legal religious community was a further indication of the emptiness of official claims that Turkmenistan’s constitution and legal system defends human rights.

Turkmenistan’s restrictions on religious freedom also break its international human rights obligations. Freedom of religion or belief is enshrined in the requirements for membership of the Organisation for Security and Cooperation in Europe (OSCE) and the UN, as well as being within the international human rights conventions which Turkmenistan has voluntarily signed. The country has pointedly failed to respond to repeated requests from the UN Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir, to be allowed to visit the country to investigate the religious freedom situation for herself.

In her annual report covering 2004, Jahangir noted that her repeated requests for further information about specific violations of religious freedom had elicited only one bland response from the government with no information on the specific cases

she was seeking further clarification on. The government response merely claimed that her facts “did not correspond to the reality”.

With a dictatorial ruler, who has appointed himself for life, President Saparmurat Niyazov (who likes to call himself “Turkmenbashi” or Father of the Turkmen), Turkmenistan already suffers from an absence of political and social freedom. State control was tightened even more in the wake of a failed assassination attempt on the president in November 2002, which some observers believe may have been staged to provide a pretext for repression.

Niyazov's rule is characterised by a grotesque cult of personality, with ever-present statues and portraits. Works published in his name—especially the two volume ideological book, the *Ruhnama* (Book of the Soul), which officials have likened to the Koran or the Bible—are compulsorily imposed on schools and the wider public. Russian Orthodox priests and Sunni Muslim imams are forced to quote approvingly from it in sermons and display it prominently in places of worship. One Ashgabad mosque has a dedicated *Ruhnama* room. The personality cult includes a massive mosque built at taxpayers' expense in the president's home village of Kipchak, in southern central Turkmenistan, decorated with quotations from the *Ruhnama*, a gold statue in Ashgabad that revolves to follow the sun and a monument to the *Ruhnama*.

The government-enforced cult of Niyazov's personality was stepped up at the beginning of the year, with Muslims facing mounting pressure to venerate the *Ruhnama* and local officials insisting that Russian Orthodox churches must have a minimum of two copies of it in parish libraries. Also important in the President's cult are his books of poetry, and Muslim clerics were told in February 2005 that “it was a priority task for clergymen to disseminate the lofty ideas in our great leader's sacred books on the duties of parents and children”. An apparently full-time official at the massive Saparmurat Haji mosque in the village of Geok-tepe near the capital Ashgabad is present to “remind” the imam which pages of the work he is to read from at prayer times (see F18News 1 March 2005 <http://www.forum18.org/Archive.php?article—id=522>).

Some Muslims have objected to this attack on the content of Islamic belief. Anonymous anti-government leaflets circulating in Ashgabad in July 2004 contained calls for Muslims not to go to mosques where the *Ruhnama* is cited together with the Koran. There have been reports of attendance at such mosques declining.

One Jehovah's Witness told Forum 18 in September 2004 that they had not applied for registration because they would not accept official demands made of other faiths to hang the country's flag and a portrait of the president in places of worship. “These are unacceptable demands,” he insisted.

Religious parents—Muslim, Christian and members of other faiths—face a dilemma over whether to send their children to state-run schools. The *Ruhnama* plays a major role in the school curriculum from the very first year. (English, for example being taught using translations of the *Ruhnama*). The all-pervasive use of the *Ruhnama*, together with recitation of the oath of loyalty to the country and president, is objectionable to many religious parents do not wish to subject their children to what they see as blasphemous practices.

The oath of loyalty, which is printed at the top of daily newspapers, reads in translation: “Turkmenistan, you are always with me in my thoughts and in my heart. For the slightest evil against you let my hand be cut off. For the slightest slander about you let my tongue be cut off. At the moment of my betrayal of my motherland, of her sacred banner, of Saparmurat Turkmenbashi [Father of the Turkmen] the Great [i.e. President Saparmurat Niyazov], let my breath stop.”

After the adoption in July 2002 of the law on guarantees of the rights of the child, the unregistered Baptist Church complained bitterly about Article 24 part 2 which declared: “Parents or the legal representatives of the child are obliged . . . to bring him up in a spirit of humanism and the unshakeable spiritual values embodied in the holy *Ruhnama*.” Pointing out that officials are promoting the *Ruhnama* as “the last word of God to the Turkmen people”, the Baptists declared: “In practice this law is a direct infringement on the freedom of conscience of citizens professing faith in Jesus Christ or another faith not recognised by the state.”

Orthodox Christians echo the Baptists' concerns, telling Forum 18 that the issue has put Russian Orthodox priests in a difficult position. “Worried parents have come to their priests,” one Orthodox Christian reported. “The priest can't tell his parishioners not to send their children to school. All he can do is tell them to do as their conscience dictates.” Some parents have begun to teach their children privately at home.

Turkmenistan's deliberate isolation from the outside world and the punitive measures taken against those engaged in unauthorised religious activity make religious freedom reporting very difficult. Believers often fear retribution for reporting their

difficulties, and so Forum 18 is unable to give the names or identifying features of sources within the country.

Religious activity is overseen by the secret police's department for work with social organisations and religious groups. This department, formerly the sixth department of the National Security Committee (KNB) secret police, is one of the six or seven main departments of the State Security Ministry (MSS) secret police and was created when the KNB was restructured in late 2002. The social and religious affairs department of the secret police is believed to have 45 officers at the headquarters in Ashgabad, with a handful of officers in each local branch.

People known to be active in religious communities are recorded with the security agencies locally and can be summoned at any moment for interrogation. "All our believers are on file at the State Security Ministry secret police and we are treated as though we have a criminal record," a Hare Krishna devotee told *Deutsche Welle* in July 2005. The Turkmenistan Helsinki Foundation reported that since August 2005, the secret police in Ahal region have been summoning young men who go to the mosque five times a day for prayers. It also reported that the secret police summoned the parents of a devout Muslim conscript who prayed regularly in his military unit and warned that they should extract a statement from him declaring that he was renouncing his faith.

Local MSS secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. Some believers have told Forum 18 that the MSS also runs "spies" in each Muslim and Orthodox community, sometimes as many as half a dozen. In addition to their spies—who attend the religious community solely at MSS behest to gain information—there might be another ten or fifteen believers who are regularly interviewed by MSS officers and forced to reveal details of the community's religious life.

The MSS secret police and the ordinary police also try to recruit spies in unregistered religious groups, such as with the attempted recruitment of a member of a Baptist church they had detained in June 2003 in the north-eastern city of Turkmenabad (formerly Charjew).

The Gengeshi for Religious Affairs—which is headed by an imam, Yagshimurat Atamuradov—has nominal responsibility for religious affairs, and has a headquarters in Ashgabad and branch offices in each of Turkmenistan's five velayats (regions). The Gengeshi's main job appears to be approving clerical appointments in the Sunni Muslim and Orthodox communities. "Imams are chosen by the Gengeshi and are then approved by the president," one source told Forum 18. Niyazov confirmed this in March 2004, when he instructed Gengeshi officials to make sure they appointed all imams, warning them not to allow local believers to do so.

Places of worship of a variety of faiths have faced demolition—as with numerous mosques most recently in 2004, as well as the Adventist church in Ashgabad in 1999 and two Hare Krishna temples in the eastern Mary region in 1999—and confiscation—as with the Baptist and Pentecostal churches in Ashgabad in 2001. The six mosques were demolished in Ashgabad in autumn 2004 and one was turned into a police outreach post. The imam of one of the demolished mosques—40-year-old Abdulla Geldymuradov—was held for several days by the MSS for interrogation. His father Shirmolla, an imam in a village near Ashgabad, was also harassed, the exiled Turkmenistan Helsinki Foundation reported. No compensation has been offered to the Muslims, Adventists or Hare Krishna communities and the authorities have refused to return confiscated places of worship.

It was only with difficulty and after six months' effort that Ashgabad's Adventist community could find somewhere to rent for worship after regaining registration in 2004 after seven years. Yet renting somewhere for worship—even for registered communities—can be highly difficult. One director of a government-owned house of culture in the capital Ashgabad told *Deutsche Welle* in July 2005 that the city authorities had warned him and fellow directors in the city that providing premises for religious minorities is "unacceptable".

Unregistered religious communities face regular raids by MSS secret police officers, backed up by ordinary police officers (especially from the 6th Department, which notionally counters terrorism and organised crime), officials of the local administration and local religious affairs officials, who work closely together in suppressing and punishing as criminal all unregistered religious activity. Summer and autumn 2005 saw a spate of new raids on Jehovah's Witnesses, with one, Konstantin Vlaskin, detained for two weeks in Turkmenabad in July, raids, threats, beatings and fines and even the refusal to continue medical treatment on one (see F18News 13 September 2005). When in July 2005 police raided the private home in Turkmenabad where unregistered Baptists gather regularly for Bible study and prayer, they beat the host, Asiya Zasedatelevaya, with her own Bible and even

threatened to hang her (see F18News 29 July 2005 <http://www.forum18.org/Archive.php?article—id=621>).

But congregations of registered religious communities have faced similar raids. Anti-terrorist police raided the Sunday worship service of the registered Baptist church in Dashoguz [Dashhowuz] on 14 August 2005. After the service, police questioned church members, confiscating all Turkmen-language Bibles and hymnbooks. The police took particular interest in children at the service, and were disappointed they were in the service with parental permission. Interrogation of church leaders followed, with officers insisting the Baptist Church's national registration in Ashgabad did not extend to other towns (see F18News 18 August 2005 <http://www.forum18.org/Archive.php?article—id=632>).

Baptist congregations in Turkmenabad and Mary (see eg. F18News 10 June 2005 <http://www.forum18.org/Archive.php?article—id=582>) and a Pentecostal congregation in the port city of Turkmenbashi ([Türkmenbashi] formerly Krasnovodsk) faced similar raids earlier this year (see F18News 31 March 2005 <http://www.forum18.org/Archive.php?article—id=535>). In July 2005 local authorities warned Hare Krishna devotees in the Mary region not to meet for religious rites in private homes, despite the fact that the Hare Krishna community also has registration.

Even the two major faiths—the Sunni Muslim Board and the Russian Orthodox Church—face government meddling and require government approval for the nomination of all officials. In January 2003 President Niyazov ousted the Chief Mufti, Nasrullah ibn Ibadullah, an ethnic Uzbek who had led Turkmenistan's Muslims for the previous ten years, and replaced him with the 35-year-old Kakageldy Vepaev, someone widely believed to be more pliant. However, he too was soon ousted and Rovshen Allaberdiyev was appointed the new chief mufti in August 2004.

In the wake of his dismissal, Nasrullah ibn Ibadullah apparently lived quietly in his home town of Dashoguz [Dashhowuz] until his arrest in January 2004, apparently accused of being an accomplice in the apparent November 2002 assassination attempt. An MSS-compiled "confession" allegedly written in prison by the chief plotter, Boris Shikhmuradov, alleged that the former chief mufti had been a key associate with the code name "Rasputin". Nasrullah ibn Ibadullah was sentenced to 22 years' imprisonment at a closed trial in Ashgabad in March 2004. The government has refused repeated international requests to make the verdict public. It remains unclear whether he was punished for his lack of enthusiasm for the president's book the *Ruhnama*, for taking part in the plot, or as a prominent member of the Uzbek minority.

Vepaev then took over Nasrullah's role in enforcing the president's religious policy. His dual role—as a Muslim leader and a state official (he was also one of the deputy chairmen of the Gengeshi for Religious Affairs)—became all too apparent during the crackdown on Protestant and Hare Krishna communities in spring 2003: he personally took part in raids on Protestant churches in Ashgabad and in follow-up meetings at hyakimliks (local administrations) when church members were questioned and threatened. In a similar move, local mullahs have frequently been involved in raids on local religious minorities elsewhere in the country—most recently in August 2005 on a Jehovah's Witness meeting in Turkmenabad—threatening them and calling them to renounce their faith and, if they are ethnic Turkmen, to "return" to their ancestral faith.

Sunni Muslim mosques are reported to have seen attendance slump as, in response to government orders, imams placed copies of the *Ruhnama* in mosques with equal prominence as copies of the Koran. At least one mosque has been closed down after its imam refused to put the *Ruhnama* in a place of honour. The grand mosques constructed on the president's orders—and with state funds—are likewise reported to be largely empty, as Muslims decline to regard them as places of worship. Imams are, at least in theory, required to recite the oath of loyalty to the president and country at the end of the namaz (daily prayers). President Niyazov told Muslims in 2000 that they were to renounce the hadiths, sayings attributed to the Muslim Prophet Muhammad which do not appear in the Koran but are valued by devout Muslims.

On 1 July 2005 Niyazov told his cabinet that Turkmen Muslims had their own way of praying and ordered the publication of a list of common religious rituals for all Turkmen. "Officials from the Turkmen National Security Ministry secret police are going around mosques identifying Muslims who perform religious rites in a way that differs from Turkmen practice," Khaitbai Yakubov told Forum 18 from neighbouring Uzbekistan of what was happening in ethnic Uzbek-populated regions of Turkmenistan.

Devout Muslims have expressed concern about the government-sponsored ousting of imams who have theological education in favour of those who have never been formally educated in Islam. In the past, imams were educated in neighbouring

Uzbekistan, but that appears to have come to a halt. Even in areas dominated by Turkmenistan's ethnic Uzbek minority, such as in the Dashoguz region of north-eastern Turkmenistan, the authorities have ousted ethnic Uzbek imams and replaced them with ethnic Turkmen.

Muslim education has become almost impossible in recent years. The madrassah (Islamic college) in Dashoguz was ordered closed in 2001, leaving the Faculty of Muslim Theology at Magtymguly Turkmen State University in Ashgabad as the only institution in Turkmenistan authorised to train imams. In 2002 the president set limits on the number of students who could study there. These were further reduced under a 30 June 2005 decree passed by President Niyazov, which also ordered the merger of the Theological Faculty with the History Faculty from the new academic year beginning in autumn 2005, with the theological section now merely a sub-department with 55 students.

Foreign lecturers, who were all Turkish, were forced to leave the country to be replaced by local, less qualified teachers. Under a decree issued by the education ministry on 5 July, 20 students were expelled from the preparatory department of the Theological Faculty. A local staff member at the faculty described the enforced cut-back to Forum 18 in July 2005 as "a virtual catastrophe for us" (see F18News 22 July 2005 <http://www.forum18.org/Archive.php?article=id=614>).

One source told Forum 18 that the decline in the level of education among practising imams has led to a growth in respect for the artsakal, or traditional religious leaders. "They have preserved their authority and people go to them for weddings and funerals," the source reported. "The authorities don't attack them."

Government tolerance of Sunni Islam has not extended to Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country who are traditionally more devout than ethnic Turkmen. Shia mosques failed to gain re-registration during the compulsory round of re-registration in 1997 after the adoption of the much harsher law on religion. Judging by the president's remarks in March 2004, they also appear unable to apply for registration now. An unregistered Shia mosque in Turkmenbashi was raided in December 2003 as local Shias commemorated the death of the former Azerbaijani president Heidar Aliiev.

The president's dislike of Shia Islam has also extended into history. Among the accusations levelled at the writer Rahim Esenov was that he had correctly portrayed Bayram Khan, a sixteenth-century regent of the Mughal Empire and the hero of one of his novels, as a Shia rather than a Sunni Muslim. Niyazov had warned Esenov in 1997 to amend his text, but the writer had refused to comply. Detained in early 2004, national security officers repeatedly asked him about why Bayram Khan was depicted as a Shia. Freed from prison in March 2004 under international pressure, Esenov awaits trial accused of inciting social, religious and ethnic hatred under Article 177 of the criminal code.

The Russian Orthodox Church, which is nominally under the control of the Church's Central Asian diocese led from the Uzbek capital Tashkent by Metropolitan Vladimir (Ikim), is in fact under the direct control of the Ashgabad-based priest Fr Andrei Sapunov, widely regarded with suspicion by members of the Orthodox Church and other Christian faiths who have suffered from his actions.

The Turkmen government tries to isolate the local parishes from the Tashkent diocese and the wider Russian Orthodox Church. In recent years, three or four priests who are Russian citizens who the diocese wished to send to serve in Turkmenistan have been denied visas. Church delegations to Turkmenistan from both Tashkent and Moscow have in recent years been forced to reduce the numbers of participants. President Niyazov and successive chief muftis (as leader of the largest faith in the country) have refused to invite Patriarch Aleksii to make a pastoral visit to Turkmenistan.

However, although Muslims are not allowed to travel abroad for religious education, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood at the Tashkent seminary.

In an echo of the practice in Sunni Muslim mosques, Orthodox priests reportedly received instructions from the end of 2000 to quote from the *Ruhnama* in sermons and to "preach to us about the virtues of living in Turkmenistan and of the policies of Turkmenbashi," one parishioner complained.

Close to President Niyazov, Fr Sapunov frequently deploys the extravagant personal praise of the president required of all officials. Many Orthodox regard such statements as close to blasphemy. Some Orthodox have told Forum 18 that they have evidence he passes information received in the confessional—which the church teaches he should never reveal to anyone—to the secret police.

In addition to his duties in the Church, Fr Sapunov is also one of the deputy chairmen of the Gengeshi for Religious Affairs, with particular responsibility for Christian affairs. This gives him an official power of veto over the affairs of other

Christian denominations. He is also well-known in the secret police, even to local officers outside Ashgabad, and has praised a ban on the importation of literature from Russia, which includes a ban on the official Journal of the Moscow Patriarchate. During numerous raids on Protestant churches in different regions, secret police officers have told the Protestants that they must gain permission from Fr Sapunov before they can operate.

Article 205 of the Code of Administrative Offences, which dates back to the Soviet period, specifies fines for those refusing to register their religious communities of five to ten times the minimum monthly wage, with typical fines of 250,000 Turkmen Manats (363 Norwegian Kroner, 44 Euros or 48 US Dollars at the inflated official exchange rate). Fines can be doubled for repeat offenders. Many believers of a variety of faiths have been fined under this article, including a series of Baptists and Hare Krishna devotees last year after the series of raids on unregistered religious meetings.

There is a Catholic mission in Turkmenistan, based at the Holy See's Nunciature in Ashgabad. However, at present Catholics can only celebrate Masses on this Vatican diplomatic territory. The priests have diplomatic status.

One of the biggest religious communities that has been denied registration is the Armenian Apostolic Church. An estimated fifteen per cent of those who attend Russian Orthodox churches are said by local people to be Armenians, although the Armenian Church is of the Oriental family of Christian Churches, not of the Orthodox family. "Sapunov told parish priests to accept Armenian believers," one local Orthodox told Forum 18. However, the Orthodox Church would stand to lose a sizeable proportion of its flock were the government to allow the Armenian Church to revive its activity.

The one surviving pre-revolutionary Armenian church—in the Caspian port city of Turkmenbashi—is said to be in a "sorry state of repair". The Armenian ambassador to Turkmenistan has repeatedly sought permission for it to be restored and reopened as a place of worship but in vain. When the Armenian priest last visited from neighbouring Uzbekistan he had to conduct baptisms and hold services in the Armenian embassy in Ashgabad. Asked at the UN CERD meeting in August about why no Armenian Apostolic communities had gained registration, foreign minister Meredov said this was because no application had been submitted and claimed that if the Church does submit an application there is no reason for it not to be approved.

The obstructions to travel abroad have made it difficult to take part in international gatherings. In March 2004 border guards took two female Jehovah's Witnesses off the aeroplane at Ashgabad airport while on route to a Jehovah's Witness meeting in Kiev. They were barred from leaving the country.

This January's pilgrimage to Mecca, the haj, as in previous years, saw only 188 pilgrims allowed to travel, far below the quota allocated to Turkmenistan by the Saudi authorities. One Ashgabad imam reported that he knew at least one person who had been on the haj waiting list for at least 10 years and who found out that somebody else who had been on the waiting list for less than 2 years went on the haj by paying a bribe.

Believers who want to receive information from fellow-believers abroad face virtually insurmountable obstacles. Access to the Internet is possible only via state providers that exert strict control over what information can be accessed. The majority of international religious websites are simply not accessible by an Internet user in Turkmenistan. Moreover, a special computer program searches emails for coded words that could be used to send "unreliable information", while "a suspicious message" will simply not reach the addressee.

Religious literature is no longer published in Turkmenistan. Mosques and Russian Orthodox churches often have small kiosks where a limited quantity of literature is available. A typical Orthodox church bookstall might have a few prayer books, small icons and calendars, with the Bible available only erratically—and often, at about 12 US Dollars [62,400 Turkmen Manats, 78 Norwegian Kroner, or 10 Euros], too expensive for the badly-paid local people. Supplies of religious literature and articles to Orthodox churches are equally erratic, with no official distribution of books, icons, candles and baptismal crosses.

Customs officers sometimes allow travellers returning to the country to bring in a small quantity of religious literature for personal use. However, one Orthodox believer told Forum 18 that on at least five occasions known to him, Orthodox priests had had literature taken from them at the border on their return to the country. Hare Krishna devotees, Protestants and Jehovah's Witnesses have complained to Forum 18 they cannot import religious literature. Religious literature is routinely confiscated from members of unregistered religious minorities during police raids on their homes.

Orthodox believers trying to receive alternative information are in a more difficult situation than Sunni Muslims. Under a September 2002 presidential decree, direct subscription to Russian newspapers and magazines, including religious publications such as the Journal of the Moscow Patriarchate, is banned in Turkmenistan. Even Orthodox priests do not receive the Journal regularly, being forced to rely on old copies they pick up when they are visiting Moscow or Tashkent.

Of the Russian television channels, only a few hours a day of the ORT channel are broadcast, and then only with a day's delay after programmes have been approved by a censor. Currently there are a number of broadcasts on Russian television covering Orthodox issues. The broadcast of Russian cable programmes is forbidden in Turkmenistan, so that unlike in other Central Asian states, local Orthodox believers cannot use this as an alternative source of religious news. Richer local people try to evade these restrictions by installing satellite receivers.

Officials have not simply restricted themselves to banning the receipt of political information from the former metropolis. Purely religious communications between local Orthodox believers and Russia have inevitably also been obstructed. As Turkmenistan has become even more isolated from Russia, individual Orthodox believers have become more isolated from the Moscow Patriarchate.

Much religious activity has of necessity to be shrouded in secrecy, with believers of having to hide their faith and worship from the knowledge of intrusive state officials. In response to the pressure, all unregistered communities have seen the numbers of their active members fall. Yet despite the severe controls and the threat of punishment, the religious believers practice their various faiths as best they can, while waiting for better times.

Governmental attacks on religious freedom in Turkmenistan are wide-ranging and permeate society. For religious freedom to be a reality, the Turkmen government would have to:

- 1.) implement in full the international human rights commitments it has freely accepted, such as the the Helsinki Final Act of 1975—to which all OSCE states are committed—which states the binding importance of “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”;
- 2.) respect and defend the right of all individuals and religious communities—whether registered or unregistered—to exercise their right
 - a.) to freedom of religion or belief, to worship and witness,
 - b.) to not change (or change) a religion or belief
 - and c.) to join together and express a religion or belief
- 3.) register all religious communities that wish to apply for registration;
- 4.) cease attacking unregistered religious activity, including abolishing all legal barriers to peaceful religious activity;
- 5.) stop interfering with the beliefs and internal affairs of religious communities, including their internal personnel appointments;
- 6.) stop imposing a religious personality cult of the President on citizens;
- 7.) end ordinary police and secret police raids on religious meetings, whether in private homes or elsewhere;
- 8.) end interrogations and fines of peaceful religious believers;
- 9.) compensate people punished by the state for peacefully practising their faith;
- 10.) reinstate believers fired from their jobs for their membership of religious communities;
- 11.) bring to legal accountability all those responsible for attacking citizens’ religious freedom;
- 12.) allow believers to publish and distribute religious literature;
- 13.) and permit believers to freely give voluntary religious education.

Only if the authorities implement, and not continue to break, the international human rights obligations they have voluntarily accepted, will religious believers in Turkmenistan believe that the situation has changed for the better

UZBEKISTAN: RELIGIOUS FREEDOM SURVEY, APRIL 2005

By Igor Rotar, Forum 18 News Service

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In its survey analysis of the religious freedom situation in Uzbekistan, Forum 18 News Service reports on the government's wide-ranging defiance of its international religious freedom commitments. Unregistered religious activity is illegal and believers are routinely punished even for religious meetings in private homes. Missionary work is banned, while religious teaching is tightly controlled. Religious literature is censored by the government's religious affairs committee. Virtually all religious communities are subject to harsh government control, especially Islam. The government even controls the numbers of Muslims who can travel on the haj pilgrimage.

Uzbekistan's legal infrastructure contains a whole series of laws that restrict religious believers' rights in defiance of the country's international human rights commitments. With Muslims constituting over 90 per cent of Uzbekistan's population, the authorities see Islamic radicalism as a serious threat to the country's security. To counter what they regard as this threat, they have adopted harsh measures against "fundamentalists", which in their turn "ricochet" to affect the rights of ordinary believers of all faiths.

Ban on unauthorised religious activity

Religious believers suffer most frequently under Article 8 of Uzbekistan's religion law, under which an organisation may acquire the status of a juridical person and become active only after registering with the justice agencies. This ban on unregistered religious activity is underpinned by articles in the criminal code, which punishes serious crimes, and the code of administrative offences, which covers lesser offences. Under Article 240 (breaking the law on religious organisations) of Uzbekistan's administrative code, unlawful religious activity is punishable by a fine of between 5 and 10 times the minimum monthly wage (the minimum wage in Uzbekistan is 5,400 sum, or some 32 Norwegian kroner, 4 Euros or 5 US dollars), or administrative detention of up to 15 days. Where the law is repeatedly broken (where a believer has already been found guilty under the parallel article of the administrative code), Article 216 (2) is applied (breaking the law on religious organisations, punishable by a fine of between 50 and 100 times the minimum wage or up to three years' imprisonment).

The very term "unlawful religious activity" is not defined in law. "No-one stops believers in an unregistered community from meeting together, praying and talking about God," the head of the government's religious affairs committee, Shoazim Minovarov, insisted to Forum 18 last year. "But if they have their own leader and are teaching religion, we see this as unlawful religious activity."

In fact, the hazy definition of "unlawful religious activity" has led to at least one case every month where believers have been sentenced under Article 240 of the administrative code. As a rule, members of religious minorities are fined (cases of administrative arrest are very rare). Sentencing of members of religious minorities under Article 216 (2) of the criminal code is also very rare: not one case has been recorded where a person has been sentenced to imprisonment under this article.

Moreover, there have been several cases where the authorities have known about meetings of members of unregistered communities but have not taken any action. For example, Jehovah's Witness Rustam Satdanov, who has now emigrated from Uzbekistan, told Forum 18 last year that officials of the National Security Service (NSS) secret police showed an astonishing knowledge of the apartments at which "unlawful" meetings of Jehovah's Witnesses were held, but nevertheless were in no hurry to take repressive action.

Although repression against unregistered religious groups often comes at the initiative of local authorities, some campaigns encompass the entire country. After the terrorist attacks in Uzbekistan in March and April of last year numerous apartments where believers of unregistered religious communities had gathered were raided (see F18News 13 April 2004 <http://www.forum18.org/Archive.php?article=id=298>). In March this year the police and the NSS carried out a large-scale operation against Jehovah's Witnesses, raiding numerous services commemorating the death of Jesus (see F18News 1 April 2005 <http://www.forum18.org/Archive.php?article=id=536>).

The authorities react far more aggressively towards the activity of unregistered Muslim communities. In such cases, Article 240 of the administrative code and Article 229 of the criminal code are not applied. As a rule they are given prison sentences of several years' duration on the basis of Article 159 (undermining the con-

stitutional basis of the Uzbek republic), Article 242 (organising a criminal society) and Article 156 (stirring up national, racial and religious hatred) of the criminal code.

It is also not uncommon for “unlawful” Muslims to have weapons or drugs planted on them. However, there are exceptions to this attitude to Muslims. For example, in Kokand (in the Uzbek section of the Fergana [Farghona] valley) there is an unregistered kanaka (Sufi monastery), where the leader of the Sufi Nakshbandi tarikat in Uzbekistan, Sheikh Ibrahim, teaches his murids (Sufi pupils). “We don’t have any problems with the authorities,” Sheikh Ibrahim told Forum 18 last November. “We are poets and mystics and are quite uninterested in political issues. Anyone who is interested in politics is not a Sufi follower. The state understands that we don’t represent any danger to it, and doesn’t touch us.”

Forum 18 has established that the authorities generally do not prevent Sufi believers from meeting in private apartments to perform the zikr (a ritual dance). “After the terrorist attacks in March and April, many Sufi believers were called in to the NSS offices and asked about our meetings. But we were left in peace once they understood that we are removed from politics,” Sabir Tokhirov, a surgeon and a Sufi follower, told Forum 18 on 28 March in the southern town of Karshi [Qarshi]. One explanation for the authorities’ tolerant attitude towards Sufism is that this movement, in which regional customs are quite closely intertwined, is a reasonably effective alternative to fundamentalism—the main “enemy” of the authorities.

Religious believers do not voluntarily become “law-breakers”. It is virtually impossible to register new religious communities. As Forum 18 can testify, mosques throughout the country have been closed since the current law on religion came into force. Moreover, the authorities’ policy varies in different regions. In the Fergana valley, where the population is most actively religious, Forum 18 saw mosques being used as warehouses, and in Kashkadarya region there are mosques which the authorities allow to open only for the Id al-adha (Kurban-bairam) and Id al-Fitr (Uraza-bairam) festivals. It is also virtually impossible for religious minorities to register a new place of worship: during the whole of 2004 only one religious minority community was registered—a Jewish community in Fergana (see F18News 16 February 2005 <http://www.forum18.org/Archive.php?article=id=512>).

In a continuing anti-Protestant Christian campaign in the Karakalpakstan [Qoraqalpoghiston] autonomous republic in north-western Uzbekistan, it is almost impossible for Christian churches to gain official registration and therefore to meet legally for worship. As part of this campaign, Protestant university students have also been expelled from their university (see F18News 13 December 2004 <http://www.forum18.org/Archive.php?article=id=476>).

Ban on private religious instruction

Article 10 of the religion law bans the teaching religion in a private capacity. According to this article of the law, “religious educational establishments acquire the right to operate after registering with the ministry of justice of the Republic of Uzbekistan and receiving the appropriate licence . . . persons teaching religious subjects at religious educational establishments must have a religious education and carry out their work with the permission of the appropriate agency of the central administration”.

Violations of this provision are punished. According to Article 241 of the administrative code, “the teaching of religious beliefs without specialist religious training and without permission from a religious organisation’s central agency of administration, and the teaching of religious beliefs in a private capacity, will be subject to a fine of between 5 and 10 times the minimum wage or up to 15 days’ imprisonment”. Article 229 (2) of the criminal code prescribes up to three years’ imprisonment where the law is repeatedly broken.

Currently, ten medressehs operate in Uzbekistan. Generally a medresseh will offer courses on Islam. However, the imam of a normal mosque has no right to set up courses on Islam, even if he has a teaching licence. “Courses on Islam are forbidden in the mosques, but an imam may gather believers after Friday prayers and answer their questions if he has a licence to teach,” former imam-hatyb Rustam Klichev told Forum 18 on 29 March in Karshi. “There is also no prohibition on a believer coming to the mosque and asking an imam about issues that interest him.” However, Klichev found it hard to explain how this form of instruction differed from formal courses. “There can’t be a clear plan or study timetable. Then you can say that the imam is simply talking to believers.”

Members of religious minorities have slightly better opportunities to acquire a religious education than Muslims. Orthodox, Baptists, Pentecostals, Lutherans, Jehovah’s Witnesses, Jews and Hare Krishna followers told Forum 18 that the authorities do not prevent them from setting up courses in religious subjects at registered

places of worship, even if there is no registered educational establishment attached to them.

The authorities admit that they are “liberal” on this issue. “Under the law, it is only possible to teach religious subjects at a religious establishment that is registered with the justice ministry,” Begzot Kadyrov, chief specialist at the government’s religious affairs committee, told Forum 18 last year in Tashkent, “but there are religious clubs attached to places of worship belonging to religious minorities, and we turn a blind eye to them. For example, the Baptists even have an unregistered seminary, but we don’t stop them from functioning.”

However, religious instruction of this kind is only possible in towns where religious minorities have registered communities. If representatives of religious minorities start teaching in towns where their community is not registered, they are prosecuted under Article 241 (breaking the law on the prescribed manner of teaching of religious beliefs) of the administrative code, and sometimes (though very rarely) under Article 229 (2) (breaking the law on the prescribed manner of religious instruction) of the criminal code. Late 2004 saw an unusual surge of criminal prosecutions of religious minorities—Pentecostal Christians including one punished with a massive fine, and a Jehovah’s Witness—and threats of criminal charges against a Baptist pastor (see F18News 17 November 2004 <http://www.forum18.org/Archive.php?article=id=455>).

Yet Muslims who teach Islam illegally, and even their pupils, are almost never prosecuted under the above articles. Such Muslims are generally sentenced to lengthy prison terms under Article 242 (organising a criminal society) and Article 244–2 (establishing, leading and participation in extremist religious organisations) of the criminal code. In such cases it is very hard to understand precisely for what reason the Muslims are being prosecuted. The authorities see any informal group of Muslims as a potential terrorist organisation and sentence its members to lengthy prison terms. It is clear that the majority of Muslims arrested after the terrorist attacks in March and April 2004 were “guilty” only of meeting to read the Koran and talk about God. Karshi-based human rights activist Tulkin Karayev told Forum 18 that the authorities often adopt preventative measures. The police pressure devout Muslims to sign statements declaring that if they join “extremist Islamic groups” or participate in illegal clubs they will face criminal prosecution.

Ban on proselytising and missionary activity

Article 5 of the religion law states: “Actions aimed at turning believers from one faith to another (proselytism) are forbidden, as is any other form of missionary activity.” Sentences for proselytism are contained in the criminal and administrative codes (Articles 216–2 and Article 240). A first offence is punishable by a fine or up to 15 days’ imprisonment. Subsequent infringements will be subject to criminal law, in the shape of a fine of between 50 and 100 times the minimum wage or up to three years’ imprisonment.

However, generally the authorities restrict themselves to sentencing Jehovah’s Witnesses—who are active in promoting their faith despite the restrictions—under the administrative code and as a rule hand down a fine. In 2004, there was one recorded case where a Jehovah’s Witness accused of missionary activity faced criminal prosecution: Dilshod Akhmedov was sentenced to 15 days’ imprisonment in Tashkent in May 2004 under Article 240 of the administrative code for preaching in public places. After serving his sentence, Akhmedov continued his preaching work. In October, the Yaksarai district police department brought a criminal case against him under Article 216 (2) of the criminal code. However, the case was dropped because of “insufficient evidence” (see F18News 20 October 2004 <http://www.forum18.org/Archive.php?article=id=435>).

In some cases, the authorities have failed to respond to complaints about kangaroo courts against individuals of Muslim background who have converted to another faith. A Protestant who preferred not to be named told Forum 18 in Tashkent on 3 April that a local resident Khaldibek Primbetov who had become a Christian had been beaten several times by his fellow-villagers in Yanboshkala, in Takirkul district on the outskirts of Nukus, the capital of the Karakalpak autonomous republic. Primbetov was told to “return to Islam” or leave the village. He appealed to the district police and to the NSS, but both organisations refused to respond to his complaints.

In 2004–2005, there were 14 successful prosecutions against Muslim missionaries—Uzbek citizens belonging to the international missionary organisation Tabligh Jamaat. However, in these instances, as is generally the case with Muslims, the Tabligh missionaries were sentenced not for missionary work but under Article 159 (undermining the constitutional basis of Uzbekistan) and Article 244 (2) (establishing, leading or participating in religious extremist organisations) of the criminal

code. Interestingly, 12 Tabligh members received 5 years' imprisonment, while two received six months under the same articles. It appears that the international interest in the case led to the relatively lenient sentence given to the last two members.

Uzbekistan's former mufti Muhamad Sadyk Muhamad Yusuf has questioned the punishments. "In 1994 members of Tabligh came from India to visit me and we went round Uzbekistan together," he told Forum 18 on 2 April in Tashkent. "I believe Tabligh Jamaat is doing work that is pleasing to God and I can't understand what members of the organisation have done to make them suffer."

Restrictions on the dissemination of information

According to Article 19 of the religion law: "The manufacture, storage and distribution of printed items, films, photographs, audio and video recordings and other materials containing ideas of religious extremism, separatism and fundamentalism, will be prosecuted in accordance with the law". According to Article 241 (1) of the criminal code of Uzbekistan, harbouring and distributing documents containing ideas of religious extremism, separatism and fundamentalism will attract a sentence of up to three years' imprisonment. The analysis of potentially "extremist" literature is carried out by the government's religious affairs committee or—in provincial areas—by teachers at local university philosophy departments. Additionally, mainstream theological tracts are often deemed to be extremist (see F18News 12 July 2004 <http://www.forum18.org/Archive.php?article=id=361>).

The religious affairs committee also controls the import of literature, photographs, videos and audio recordings into Uzbekistan. "Under the law a registered religious organisation has to submit religious literature for expert analysis before importing it," Kadyrov of the religious affairs committee told Forum 18 on 11 March. "If it is found that the literature is not extremist and does not contain any incitement to inter-ethnic or inter-religious hatred we will give permission for it to be imported." In some cases, literature including the Bible imported into Uzbekistan without permission from the religious affairs committee has been burnt following a court decision (see F18News 17 March 2005 <http://www.forum18.org/Archive.php?article=id=527>).

Persecution of believers unauthorised by the law

The authorities also select the Muslims who wish to make the haj pilgrimage to Mecca. In 2005 the religious affairs committee permitted only 4,200 Uzbek citizens to make the pilgrimage, even though around 6,000 people wanted to do so (the quota for the haj pilgrimage given to Uzbekistan by Saudi Arabia was for more than 25,000 pilgrims). The authorities' control over Muslims who wish to undertake the haj is possibly the result of an agreement between Riyadh and Tashkent according to which the Saudi Arabian embassy in Uzbekistan will give visas for the haj pilgrimage only to Uzbek citizens whose names were included in a list approved by the religious affairs committee and the country's muftiate. Who gets permission is decided by a special commission which includes representatives of the religious affairs committee and the muftiate. Unlike Kazakhstan, Kyrgyzstan and Tajikistan, where people can make the pilgrimage independently (either in a private car or in a rented tourist bus), Uzbek pilgrims have to fly to Medina using Uzbek airlines in a single delegation (see F18News 19 January 2005 <http://www.forum18.org/Archive.php?article=id=493>).

Numerous cases have been recorded where religious believers' rights have been violated in prisons. Muslims are not allowed to say their morning prayers before the official wake-up call for prisoners. Additionally, prisoners are not allowed to observe fasts.

In several cases, believers have been subjected to pressure from the local authorities acting on their own initiative without having received instructions from Tashkent. A Muslim woman who preferred not to be named told Forum 18 in April that the local authorities in Sokh (an Uzbek enclave surrounded by Kyrgyz territory) had "advised" a devout Muslim to serve alcohol to guests at his wedding. On occasion in Karshi the authorities of some residential suburbs have told women to stop wearing the hijab, the headscarf many Muslim women prefer. Following the terrorist attacks in March and April 2004, directors of schools in towns in the Fergana valley and in Tashkent made similar demands of their female pupils. However, Forum 18 has discovered that all these cases were at the initiative of local officials and were not underpinned by genuine support from higher up. The Muslims were therefore able to resist this arbitrary rule.

Mr. SMITH. Thank you very much.

I think the only thing I would disagree with is when you said you are running out of time. As you note, one of the things we try to

do in our hearings, and it is only on rare occasion that we do keep within a very limited time frame, is to allow the maximum focus. So no red light went on to tell you you are out of time.

Let me just thank our very, very distinguished knowledgeable panel, not just for your time today and your patience—being the third panel usually is more difficult, but you do get to hear at least what the Administration gets to say. I thank you for your patience, but, more importantly, for the commitment of time in your life on behalf of human rights issues, religious freedom issues. I don't know what the world would be without people like you. You just make all the difference in the world.

Let me ask one or two questions. Let me just say, parenthetically, we have a markup, Mr. Uzzell, right after this hearing is concluded, on H. Con. Res. 190, which was originally inspired by your work at our previous hearing. So I want to just say that we do try to follow with legislation on these things.

Let me, on Burma, if I could, Mr. Malinowski. I like the way you broke up friends, the two categories. I would agree that Uzbekistan should have been on it previously, and I don't think our ousting from K-2 should have anything whatsoever to do, perception aside. If the facts on the ground warrant it, and a country is an egregious violator, it should be so named. So I hope that that is not causing the delay on behalf of the Administration in naming Uzbekistan a country of particular concern.

If you could just speak a little bit further on the situation in Burma. It seems like Burma was very much in focus. Aung San Suu Kyi is a global hero for many of us. But it does seem that the dictatorship there is able to just weather it, the abuses that it commits, and people kind of look askance and go somewhere else. So, your point about Bishop Tutu and Havel calling for an accountability session at the UN, I think, is a great one. But what can we do further?

As you know, Tom Lantos and all of us, Mr. Payne and I, we always raise the issue of Aung San Suu Kyi and the ongoing repression of her human rights and democracy movement. But what else can we do right now?

Mr. MALINOWSKI. First of all, you have made a difference. As horrible as the situation is there now, I firmly believe there would be no opposition in Burma, there would be no Aung San Suu Kyi, at least as a living presence and leader inside the country, if it wasn't for the international pressure that you and other Members of the Congress of the United States have helped to generate. So, you know, keep hope, is one recommendation.

I would also say this: As bizarre as this government is, it is sensitive to what the rest of the world thinks. One of the strange things that has happened in Burma the last few weeks is that the government packed up and moved, announced that the new capital of Burma would be a small town in a kind of fortress-like setting in the mountains in central Burma, a place called Nay Pyi Daw, I believe, not in Rangoon.

It is a bizarre move. People think they are worried they are sort of next on the U.S. list, because Secretary Rice put them on the list of evil countries. I forget the phrase that she used. But they are

very paranoid. They are very sensitive about the possibility that the rest of the world might make things more difficult for them.

This gets us back to the Security Council, because I don't think there is any stronger way of expressing not just American, but international concern about a situation like this, than through the UN Security Council because of the association between the UN Security Council and effective action. By that, I don't just mean military action, which I don't think is in store in this case, but economic sanctions, political action. See what is happening in Syria right now where we have mobilized the Security Council in a fairly effective effort that is making a difference with respect to that country.

So I think the Burmese Government is worried about what we in the international community might do, particularly if we succeed in this effort at the Security Council. So rather than sort of list a dozen different things, I really did want to focus in on that one central goal that the Administration is committed to, but I think we need to constantly remind them to be committed at a very high level until they succeed.

Mr. SMITH. Let me ask the panel, who would like to answer. On Vietnam, I thought the point was very well made about promises made—I think you made that comment, Tom. Why aren't we doing—first of all, you might speak to this. Are you optimistic that Vietnam will fulfill its obligations? And, I would agree that the agreement ought to be made public, so that the transparency aspect and the fact of, how do you hold somebody to account for something you don't even have a copy of?

But what about the other CPC countries? Why aren't we, in your view, like Saudi Arabia—why don't we have an agreement, or at least seek an agreement, so that there are doables, deliverables, if you want, so that everyone knows on the page what it is that we expect from them? Why just Vietnam and not the others? That would be part two.

Ms. SHEA. Well, Mr. Chairman, I think regarding Vietnam—and this probably applies to China too—that there is no political will to grant their citizens or the nationals freedom. So until there is an ideological shift, I am not that optimistic. I think they are going to try to outmaneuver us at every turn.

However, that said, I think shining the light, publicizing the worst of it, is extremely important. And that is why the forgotten groups, like the Hmongs or the Montagnards and others, should be mentioned.

Dr. Uzzell talked about the indigenous groups. They have got to be on the radar screen too, because they will receive the brunt of the oppression if these governments, who are not ideologically committed to freedom, think they can get away with it.

The other point I would like to make is that I think the Administration has to be more consistent in its message. On one hand, there is an avalanche of detail in these reports about such places as Vietnam or Saudi Arabia, yet there are mixed signals with Secretary Rice saying that Vietnam is improving and that if it keeps up, if it continues, they will come off the list. The Ambassador said something different today—and I was glad to see it rephrased—that they have much more to do before they come off the list.

But the same with Saudi Arabia. Warming, closer relations, that is the constant message they are getting. Or the spin in the introduction to the report in Saudi Arabia, how much they have reformed and improved. So I think we have to have a consistent message. I think that is extremely important as well.

Mr. SMITH. For all of you, aren't other countries having such similar promises made, documents drawn up they would agree to? Do you know if the department is actually trying to get that kind of agreement, an MOU with any other country that is on the CPC list?

I will just point out that in the follow-up to this hearing, we are going to hold a series of hearings on CPC countries and do them in a country-specific manner, because as important as I think this hearing is, it doesn't do justice to the depth of the repression in country X, Y or Z. So I think this is the beginning, and then we will do breakouts.

That will be one persistent question I will ask the department: What are you doing specifically to get them to agree? I was just concerned with Dr. Rice's statement too, as if Vietnam is moving in the right direction. Well, show me. Let's see some real deeds and not those paper promises.

Let me finally ask one final question with regards to China. My understanding is, David, your book has been banned there, which is probably a compliment.

Mr. AIKMAN. Mr. Chairman, it has been both banned and translated. It has been translated for the benefit of the senior religious leaders, and, indeed for the politburo, with the permission of the publishers in the United States, I must say.

Mr. SMITH. Let me ask you on this—and I have heard from some of the dissidents and recent emigres that they feel in some of the upper echelons of the government there is an understanding of how important religion is to a sane and benign government, especially to the people.

What is your view in terms of what is happening at those upper echelons? Are they as committed to that etiology of atheism that they said they were a few years back?

Mr. AIKMAN. No. I think the only people who are committed to the etiology of atheism are some officials at the high levels of the Three-Self Patriotic Church. I am being a bit facetious.

But the left-wing core of etiology in China is, oddly enough, alive and well in the religious sphere, and the chief fear of the Communists are that if enough people look at each other and say, "We don't believe in this stuff anymore," then there will be a dangerous sense that the party has lost its legitimacy.

While there are officials at quite high levels who understand the beneficial effects of religious belief, a study was done in the 1980s that showed that people of religious faith in Henen Province in certain villages, compared with those villages which did not have many believers, had lower levels of crime, corruption, and so forth.

So I think the larger question is, When will China grasp that it has to face the political reality that it is governing a people who no longer believe in the etiology that brought the Communist Party to power?

Mr. SMITH. Without objection, let me ask that Vo Van Ai, the international spokesman for the Unified Buddhist Church in Vietnam, that his testimony be included in the record. And at the request of Chairman Hyde, there is testimony by Dr. David-Maria A. Jaeger, who is the Vatican legal consular in the Holy Land. His testimony as well, without objection, will be made part of the record.

[The information referred to follows:]

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U.S. HOUSE OF REPRESENTATIVES
 COMMITTEE ON INTERNATIONAL RELATIONS
 Subcommittee on Africa, Global Human Rights & International Operations

HEARING : "IN DEFENSE OF HUMAN DIGNITY:
 THE 2005 INTERNATIONAL RELIGIOUS FREEDOM REPORT"

Tuesday, November 15th 2005, Rayburn House Office Building, Washington D.C.

Vietnam Intensifies Repression against the Unified Buddhist Church of Vietnam

Testimony submitted by

VO VAN AI

International Spokesman, Unified Buddhist Church of Vietnam

Honorable Chairman,
 Distinguished Members of Congress,

Following Vietnam's designation as a "Country of Particular Concern" (CPCs) in September 2004 and the pledges of religious reform made in the Agreement with the State Department signed in May 2005, it was hoped that Vietnam would make genuine progress in promoting religious freedom. Regrettably, these promises were not translated into concrete action. In 2005, the only visible change in Vietnam was one of strategy. Government repression become more subtle and sophisticated. Just as in China, Vietnam deployed special agents and "Religious Security Police" (*cong an ton giao*) to infiltrate, slander and divide religious communities, seeking to undermine them from within. Because of these continued egregious religious freedom violations, the US State Department has rightly designated Vietnam as a "Country of Particular Concern" once again in its 2005 Annual Report.

Vietnam has strongly protested CPC designation, but it continues to implement a systematic policy of religious discrimination against non-recognized religious bodies. Today, even as this Hearing takes place, new evidence from Vietnam indicates that the authorities are intensifying persecution and launching new threats and harassment, particularly against Vietnam's largest religious body, the outlawed **Unified Buddhist Church of Vietnam (UBCV)**.

Intensified pressure against the UBCV especially targets UBCV Deputy leader and prominent dissident **Venerable Thich Quang Do**, and members of local representative boards set up by the UBCV in the provinces of **Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang** and **An Giang** to provide humanitarian and spiritual support to people in these poor provinces. Security Police have systematically interrogated UBCV monks, nuns and lay-followers, warning them to disband these sections and cease all contact with the UBCV, e.g.:

- **On 11th November 2005**, the Thua-Thien Hue People's Committee sent a notification to Venerable **Thich Quang Do** and Venerable **Thich Thien Hanh** declaring "*illegal*" the creation of a UBCV representative board in Thua Thien Hue. They ordered Thich Quang Do to immediately disband the board and warned that any activities it might undertake would be "*dealt with as violations of the law*";

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- **On 14th November 2005**, Security Police and local Communist Party officials in Hue issued a verbal “Administrative Detention” order on Venerable Thich Thien Hanh. They prohibited him from leaving the Bao Quoc Pagoda, and placed him under Police surveillance ;
- **On 14th November 2005**, Venerable Thich Thanh Tu, Vice Chairman of the State-sponsored Vietnam Buddhist Sangha's Executive Council, denounced Thich Quang Do's appointment of UBCV representative boards as “*an imposture*”. Speaking on the official Vietnam News Agency, he accused Thich Quang Do of signing “*decisions [that are] legally invalid and contrary both to the Vietnam Buddhist Sangha's Charter and the law of the State of Vietnam,*” and warned that “*this is an attempt to undermine the solidarity in the Buddhist organisation and to harm the national interest.*” Thich Thanh Tu's decalaration is a clear threat which bears grave implications for Thich Quang Do and UBCV leaders. Under the broadly-defined “national security” provisions in the Vietnamese Criminal Code, offences of “*undermining solidarity*” and “*harming national interests*” are punishable with very heavy prison sentences in Vietnam;
- Many UBCV members are subjected to harassments, intimidation or heavy fines simply for exercising peaceful religious activities. On **4th November 2005**, the Phu Nhuan District People's Committee in Saigon ordered UBVC monk **Thich Vien Phuong** to pay a fine of 15 million dong for filming a message by Thich Quang Do to the UN Commission on Human Rights calling for democracy and pluralism in Vietnam (Decision 849/QD-UBND, 4.11.2005). Police had arrested Thich Vien Phuong on March 30th and confiscated the video message, subsequently charging him with “*producing films or video-tapes with contents that slander and infringe upon the prestige of organizations, the honour or dignity of individuals*”. Thich Vien Phuong filed an appeal against this exorbitant fine - the equivalent of 43 months basic wage in Vietnam – stating that he was simply exercising his right to freedom of expression enshrined in the Vietnamese Constitution (Article 69) and reaffirmed in Vietnam's 2005 “White Paper on Human Rights”. Rejecting his appeal on 4.11.2005, the authorities ordered Thich Vien Phuong to pay the fine within 30 days ;
- Many religious prisoners released in government amnesties are subjected to severe restrictions and harassment after their release. UBCV monk **Thich Thien Minh**, released in a government amnesty in February 2005, continues to receive death threats from Secret Police who warn him to cease all contacts with human rights organizations overseas and the international media. On **18th October 2005**, the local authorities summoned school-teacher **Huynh Huu Nhieu**, Thich Thien Minh's brother, and threatened he would lose his job if he did not stop his brother criticizing Vietnam in radio interviews .
- From **August 15-18 2005**, 18 members of the UBCV representative board in Binh Dinh province were interrogated non-stop for three days. Its Chairman, Venerable Thich Tam Lien, had to be urgently hospitalized as a result. In Khanh Hoa, 9 members of the UBCV's representative board were interrogated and detained ;
- The UBCV Patriarch **Thich Huyen Quang**, 87, and his Deputy, **Thich Quang Do**, 76, remain prisoners in their Monasteries after almost 30 years in detention for their peaceful advocacy of religious freedom and human rights. **In August 2005**, several delegations of UBCV monks attempting to visit the UBCV Patriarch at his Monastery in Binh Dinh were intercepted by Police in August 2005. The Chairman of the Government Religious Board, Ngo Yen Thi, told Radio Free Asia that no-one may visit the UBCV Patriarch without permission from the state, although Vietnam continues to claim that both UBCV leaders are “*completely free*”. However, in May 2005, the UN Working Group on Arbitrary Detention declared Thich Huyen Quang and Thich Quang to be victims of arbitrary detention (Opinion 18/2005), and called for their immediate release.

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- In **June 2005**, Vietnamese Premier Phan Van Khai told President George W. Bush that there are *"no prisoners of conscience in Vietnam"*. However, many religious prisoners continue to be detained under appalling conditions in Vietnam's prisons and camps. Thich Thien Minh released a list of **61 prisoners of conscience** detained in just one reeducation camp (Z30A Camp, Xuan Loc). He reports that many of these prisoners are old and sick, yet they are forced to perform hard labour. They include Roman catholic Priests **Pham Minh Tri** and **Nguyen Duc Vinh** of the Congregation of the Mother Co-redemptrix, Hoa Hao elder **Ngo Quang Vinh**, 87, and many others. He reported: *"There are so many elderly political prisoners in Z30A camp, 70-80 year-old men who came into the camp as strong, healthy youths with heads of shining black hair. Now their hair has turned white, their bodies are bent, yet they are still detained. Even if they are released one day, they will be just like walking skeletons, good for nothing, just an extra burden for their families"*. □.

Vo Van Ai

Director, International Buddhist Information Bureau &
International Spokesman of the Unified Buddhist Church of Vietnam

Statement by The Rev. Dr. D.-M. A. Jaeger, O.F.M. - Nov. 15, 2005

STATEMENT BY

(The Rev. Dr.) DAVID-MARIA A. JAEGER, O.F.M.

ISRAELI CATHOLIC PRIEST

BEFORE

**THE SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
and INTERNATIONAL OPERATIONS**

OF

THE COMMITTEE OF INTERNATIONAL RELATIONS

U.S. HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2005

IN SUPPORT OF *THE 2005 INTERNATIONAL RELIGIOUS FREEDOM REPORT*

Mr. Chairman, Ranking Member Payne, and distinguished Members of the Subcommittee, thank you for the great privilege of the opportunity to express support for *The 2005 International Religious Freedom Report*, released by the Bureau of Democracy, Human Rights, and Labor, of the U.S. Department of State, as well as appreciation for the leadership and support you are showing by way of this hearing, and, at the same time, to comment on, and contribute to discussion of, elements of the *Report* that concern the State of Israel - with particular (though far from exclusive) reference to the Catholic Church.

This I have the honour to do as a Catholic priest who has been closely involved in these matters since 1977 - first as a layman and then as a clergyman - in service equally to the cause of securing religious freedom for Christian believers and their churches, and to that of helping achieve and safeguard the noble ideal and explicit promise of "complete religious freedom" enshrined in Israel's own *Declaration of Independence* (1948), the State's founding charter.

So as not to burden the record with excessive autobiographical details, let me simply state here that my on-going service to this cause has included, among other things, providing leadership on the issue at the United Christian Council in Israel (1977-1981), and serving as the legal adviser on the Catholic team that drafted, together with our counterparts for the State of Israel, the historic international treaty titled: *The Fundamental Agreement between the Holy See and the State of Israel* (30 December 1993), which begins with the affirmation of the human right to freedom of religion and conscience, defined first of all in terms of the *Universal Declaration of Human Rights* (and recalling Israel's own *Declaration of Independence*). My academic and professional specialisation is, in fact, the doctrine and practice of the relationship between Church and State, including most importantly the

Statement by The Rev. Dr. D.-M. A. Jaeger, O.F.M. - Nov. 15, 2005

fundamental human right to freedom of religion and conscience.

Personally, academically and professionally I have always held up the U.S. Bill of Rights - most particularly, the First Amendment - as the most perfect extant constitutional guarantee known to me of the human right to freedom of religion and conscience, and have advocated, with successive generations of my Israeli government interlocutors, its adoption as the model for translating the ideal and promise of Israel's *Declaration of Independence* into binding norms - when Israel reaches the stage of endowing itself with a written Constitution. I consider it indeed one of the United States' greatest contribution to humanity.

This contribution is significantly further enhanced in our own day by the admirable work of the Bureau of Democracy, Human Rights, and Labor, of the U.S. Department of State - and it has been my privilege in recent years to meet several of the outstanding public servants engaged in its work - as publicly represented in a particular way by the *International Religious Freedom Report 2005* (and its predecessors).

Turning now to the same *Report*, as it concerns Israel, one is truly impressed by its thoroughness and by the very great care that has evidently been lavished on putting it together. I hope it will not be out of place to remark, that it also renders a great service to the close friendship between the United States and the State of Israel, effectively helping Israel to continuously develop its awareness of the many implications, ramifications, and consequences of its noble founding commitment to complete religious freedom.

Unaided in this task by a written Constitution, and burdened with the legal heritage - or perhaps, the inherited legal débris - of far too many centuries when the territory that is now Israel was ruled by very different kinds of legal systems that were unacquainted with democracy or human rights, and that were especially uninformed on the right to religious freedom, Israel could only benefit from such help from its friends in the United States of America, particularly since the United States, in its own *Bill of Rights*, long anticipated the proper articulation of the right to religious freedom internationally, or indeed in practically any other nation. As the *Report* does in fact note, in its preamble (and confirms repeatedly elsewhere), "The U.S. Government discusses religious freedom issues with the Government [of Israel] as part of its overall policy to promote human rights."

At this point, may I be permitted to add some respectful comments in the margins of the *Report*, drawing on my expertise and experience, and thereby make a modest contribution to the discussion. These are my comments, following the order in the *Report* itself:

1. It is significantly - and entirely correctly - reported, right at the beginning of the preamble, that, in the absence of a [written] constitution, "the law provides for freedom of worship." Since "freedom of worship" is only one element of religious freedom, the implication might be that no such provision exists for religious freedom as a whole (even though Section II, right at the start, puts it differently). Indeed, given the significant legal measures inherited from previous régimes that are not compatible with religious freedom (such as Ottoman-era "personal status" laws compelling persons classified by the State as belonging to a certain religion to submit themselves

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in matters of marriage and its dissolution to that religion's rules, and to the tribunals that administer those rules, whether or not those persons even profess that religion - a matter helpfully discussed further on in the *Report*), it would appear that religious freedom could be fully guaranteed only through a future constitutional provision overriding those outdated laws and promoting instead Israel's own values as set forth in its *Declaration of Independence*. Nonetheless, in reality, it is the case that, on the whole, in its own geographical area, in the Eastern Mediterranean, and in comparison with many other polities too, Israel stands out for its actual respect for so very many essential elements of religious freedom. I believe that, in fairness to Israel, this must always be acknowledged and proclaimed appreciatively, even as further improvements and developments are being promoted - as interim steps towards the hoped-for proper constitutional guarantee that Israel's own founding values deserve. Israel, I believe, should never be made to feel that its considerable merits with regard to religious freedom - relative to too many other States - are insufficiently appreciated, nor should such appreciation be mistaken for discouragement of further progress. This is a delicate task, and I believe that the *Report* carries it out extremely well.

2. (With reference to Section I, last paragraph): Concerning the description of the State of Israel - by the *Basic Law on Human Dignity and Liberty* - as a "Jewish" and "democratic" State, it must be clarified that, referring back to the *Declaration of Independence* - especially read within the development up till then of the modern Jewish national movement, and in its proper historical context, and whether truly strictly construed, or even otherwise interpreted - "Jewish" here properly refers to **nationality**, in the sense that the State was intended to be the Jewish "nation-state,"- and **not to** (any particular) **religion**. That this description of the State is nowadays sometimes taken to be a religious reference, as if the State as such were constitutionally identified with a particular religion (or even just a particular denomination of a particular religion), is cause for concern, and calls for some definitive clarification. Certain significant problem areas identified throughout the *Report* would not be such were the original, proper meaning to be safeguarded. At this point, it seems worthy of note that there are indeed Israelis who are Jewish by nationality, fully identified with their own Jewish nation in their own national State, even as they are Christian by their religious faith and affiliation. There are others too whose nationality is Jewish, and who belong to no particular religion. It must be said that there are no legal disabilities involved when an Israeli citizen who is a Jew by nationality becomes, e.g., a Christian - his human and civil rights are intact. Yet the fact remains that the State, which continues to classify persons by nationality in the civil register, deprives converts from Judaism of their national identity, and they are instead classified as being of an unknown or "unregistered" nationality. While, again, not involving actual legal disability, it is, in effect, a social and psychological deterrent to the exercise of the human right to change one's religion as one's conscience dictates. As far back as 1963, in connection with the well known Supreme Court decision (in the *Rufeisen* - or *Brother Daniel* - case) to validate this government practice, the leaders of all Christian denominations in Israel - Catholic, Orthodox, Protestant - in a rare joint statement (there had been none before and there has been

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none since, to the best of my knowledge) affirmed in contrast that “we recognise the Jew who professes the Christian faith as being always a member of his people, as he has been since the day of his birth” (quoted from memory).

- 3, (With reference to Section II, Legal/Policy Framework): It must be pointed out that there is not in fact a Jewish “Recognised Religious Community” as there was during British Rule (1917-1948) and before. The distinct Jewish Religious Community (called “Knesset Israel,” not to be confused with Israel’s parliament also called “Knesset”) was abolished by law not long after the establishment of the State of Israel, whereupon it became (for its purposes) identical with the State itself, just as the Muslim community had been during Islamic Ottoman rule (1516-1917). The official Jewish religious institutions, such as the Chief Rabbinate and the local rabbinate, together with the religious tribunals, are departments of the State, even though they may almost invariably follow Jewish religious law without much interference in its administration by the legislator or by other departments of the State.
4. The fact that, as stated in the *Report* (ibid.), “each recognized religious community has legal authority over its members in matters of marriage, divorce...” is the most unfortunate divergence from the requirements of religious freedom, since “membership” of the (non-Jewish) “religious community”, or of the Jewish religion, is not voluntary in nature, does not as such depend on personal choice, and there is no way simply to opt out of it. Thus Jews, Muslims, Catholic Christians and Orthodox Christians (according to the civil register) are subject to different laws in matters of marriage and its dissolution the law and the religious courts exercise exclusive jurisdiction over them in these matters, whether or not they are believers in the religion assigned to them, with no availability of either civil marriage or civil divorce in accordance with civil laws (that do not exist). Those who do not belong to any of the official classifications of religion have no possibility of contracting marriage in their own country. Nor can a couple marry if the man and the woman happen to be classified as belonging to different religions, even when one of those religions (or both) permits such a marriage in its own laws. Evidently, when it is a matter of a Jewish and a Christian (or other non-Jewish) party, the pressure is on the minority Christian party to convert to the (Orthodox) Jewish religion, the religion of the majority.
5. Since the time of the British Mandate, the law explicitly confirmed the exemption from local property taxes of a long list of religious (and other not-for-profit) institutions, including, not only actual worship spaces, but also, among others, monasteries and convents, schools, “soup kitchens” and so on. That law remained in force in Israel. Yet just after the Supreme Court had affirmed it twice, in December 2002 the “Arrangements Law” took away a full third of the exemption from all but the actual spaces used for worship itself. It is true that the same applies to the religious institutions of the Jewish religious majority, but while the later are massively and consistently funded by the State, the Catholic Church does not receive, and would decline to receive (even if, hypothetically, offered) State funding for its own religious institutions and activities (as distinct from State participation in funding

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Church activities supplying - often insufficiently available [to the target population] - public services in the educational and similar sectors). Now it is not simply that, as the *Report* states (ibid.), “the Government has interpreted [the full] exemption ... to apply only to the property of religious organizations that was actually used for religious worship” - this is plainly the norm of the new law itself. As far as the Catholic institutions are concerned, this legislation contravened Art. 10 § 2 (d) of the *Fundamental Agreement between the Holy See and the State of Israel* (30 December 1993) that, as intended and read by both Parties, froze the then existing situation, in matters of taxation, pending conclusion of the therein mandated “**comprehensive agreement**” on the fiscal régime of Catholic institutions - negotiations were still underway when the “Arrangements Law” was hurriedly passed, and still are underway today. Monasteries and convents, in particular, may not be able to survive if forced to pay even a third of heavy local property taxes. When the Catholic Church applied to the High Court of Justice (Israel’s Supreme Court in its capacity as the highest administrative court in the land), the Government, through the State Advocate, informed the Court, in 2004, that the *Fundamental Agreement* was not binding since (although ratified internationally, and in force as between the Parties since 10 March 1994 - facts omitted from the State Advocate’s statement to the Court) it had not been (and still has not been) legislated in Israel itself. This although the Government had not even begun its own drafting process of such legislation (and still has not). In submissions to the Court by the Church’s Israeli lawyers, it was pointed out that, not having even initiated legislation in ten years since ratification, the Government should be deemed estopped from raising such an argument. The Government has even declined to accept my suggestion, on behalf of the Church, that it at least amend its statement to include something like recognition of the validity of the *Fundamental Agreement* at public international law, as a treaty to which the State is a Party, and a declare an intention to write it into Israeli law (at least at some point in time). The case is still pending.

6. Concerning the case of the LUTHERAN WORLD FEDERATION (LWF), it is not exact to say, with the *Report* (ibid.), that the “privilege” of tax exempt status was enjoyed by LWF’s hospital on the Mount of Olives until “the District Court revoked it” in 2002. The LWF had an agreement with the Government, which was confirmation of an earlier agreement with Jordan (made when Jordan had controlled the Mount of Olives, pre-June 1967), and which the Government, not the Court, revoked through notification by the Attorney General. The Courts have only been asked to rule on whether the Government has the power to revoke such an agreement, and the District Court has ruled that it has. [The agreement is evidently not itself an international treaty, and the Court ruled that the Executive may revoke such undertakings when it concludes that public policy so requires]. This has aroused much anxiety and uncertainty in a whole range of Christian religious and not-for-profit institutions whose beneficent activities have been premised on long agreed tax exemptions.
7. As observed above, it is not exact to say simply that the Government “directly funds religious services for recognised non-Jewish religious communities.” The Catholic

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Church neither receives nor is prepared to receive such funding, it only requires observance of its acquired rights to tax exemptions, rights existing at the time the State of Israel was established. Negotiations on a "comprehensive agreement" - as mandated by Art. 10 §2 of the 1993 *Fundamental Agreement* - to reconfirm and consolidate those rights are on-going. The Church's expectations in this matter are premised, in part, on the fact that it is a net importer of human and financial capital into Israel, with considerable social and even economic benefits to State and society, and takes nothing out of it.

8. (With reference to Section II, Restrictions on Religious Freedom): Concerning the "1977 anti-proselytizing law", more commonly known in Israel, by supporters and opponents alike, as the "anti-missionary law", it is worth remarking that, following a world-wide campaign of protest by both Christian and Jewish leaders and organisations at the time, the Government then (in March 1978) gave a public undertaking not even to commence any investigation without the explicit authorisation of the Attorney General, it being understood that no such authorisation would ever be given. Until then the law represented a major threat to Christians in Israel (as it potentially still does, if ever the promise of non-implementation is revoked or ignored): It did not prohibit evangelising or converting as such, only "buying souls" or "selling one's soul," as it were, for material gain, but the explanatory note to the law, the parliamentary debate, and parliamentary testimony by the then Ministry of Religious Affairs, created the strong presumption that "buying" converts, especially the poor and the neediest, with promises of material gain, was what Christians normally did, was the habitual activity of Christians, and moreover - it was even alleged - it was all done for the purpose of subverting the Jewish State, paying such converts to leave it, so as to weaken the State, draining the pool of recruits for its armed services engaged in an unending defence against enemies in the region, with whom the missionaries were thus allying themselves. The original demand of the Churches (as noted above, I myself was privileged to provide leadership on this issue, together with others), and of our Jewish and other friends, was for the law's repeal, and since the Attorney General's hold on the law's actual implementation could be unilaterally withdrawn at any moment, it should still be repealed.
9. (There): Concerning the *Fundamental Agreement* again: As noted above, the ratification process, as between the High Contracting Parties, was complete by 10 March 1994, and the treaty then entered into force as between those Parties (the Holy See, on behalf of the Catholic Church, and the State of Israel) on the plane of public international law. What the Knesset has not yet done is not "ratify" it, but write it into Israeli law so that the rights and freedoms that it secures for the Church can be pursued in Israeli courts. Not only has the Knesset not yet legislated, the Government itself has not yet even initiated the legislative process, and declines to say that it ever will.
10. As for the current negotiations (mandated by the *Fundamental Agreement* in its Art. 10 § 2) on a comprehensive agreement on "issues of tax exemption... and the access

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of the Roman Catholic Church to Israeli courts,” concerning which the *Report* correctly observes, “No agreement had been reached by the end of the period covered by this report,” (ibid.), it must be added that no agreement has been reached at this time. That the negotiations are now taking place at all, even though at intervals and with insufficient time dedicated to them (hence their protracted character), is mostly thanks to the interest shown by the UNITED STATES: by the **Chairman of the House of Representatives’s Committee on International Relations**, by other **Members of the House and Senate**, and by officials of the **Administration**, at both the **National Security Council** and the **Department of State**. Earlier, as is widely known, on August 28, 2003, the Government of Israel had withdrawn its delegation from the negotiations (which had begun on 11 March 1999, or even, on a different basis, on 4 July 1994), and declined to agree to any date for renewal of the talks. Thereupon, the sustained interest shown by these Members of Congress and officials of the Administration, friends and supporters of Israel all, had a decisive role in persuading the Government of Israel to return to the negotiating table. It is, among other things, a fact that that the Government of Israel first agreed to resume the talks only days after the Prime Minister’s visit to Washington and the White House on 14 April 2004. I believe that continued interest shown by U.S. **Administration** officials and **Members of Congress**, particularly the **Committee on International Relations**, is vital if these negotiations are to continue to a successful conclusion. It is, I believe, appropriate to point out here that, among other things, the effectiveness is at stake of the considerable financial support that Catholic believers in the United States provide the Church in Israel, which is practically entirely dependent on such support from the U.S. and elsewhere. This is so in relation to taxation that may consume significant portions of these charitable contributions, unless the historic exemptions are confirmed by the agreement being negotiated. At stake also is the just expectation of believers in the U.S. that the Church in Israel - supported by their own charitable contributions - enjoy the same exemptions that the churches, synagogues and other Christian and Jewish religious and not-for-profit institutions enjoy in the United States, either in the federal system or in the several States and local jurisdictions.

11. Concerning the matter of access to the Israeli courts, to which the *Report* refers (ibid.), let me observe that it is a matter of **due process**. All the Church asks is recognition of the universal right so well expressed in the Fourteenth Amendment. An old law, inherited by Israel from the British Mandate (the 1924 *Order-in-Council*, which, however, had been meant simply to assure compliance with resolutions of the League of Nations that soon after lost their relevance), empowers the Government, the Executive, to take away jurisdiction from the courts in disputes involving churches, religious building, religious sites. The Government is then to decide these matters (or not, as the case may be) at its sole discretion, without a trial. It had long been naively assumed that the law had fallen into desuetude, at least as far as the Catholic Church is concerned, especially given its total contrariness to fundamental principles of the **right to private property** and the **rule of law**. However, there was a wake-up call when the Government invoked the law in the late 1990’s to take away jurisdiction from the courts in a property dispute involving a Catholic Church-owned cemetery (in Ramleh, in central Israel). Private persons had invaded the cemetery,

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tried to establish possession, and claimed ownership. The Church turned to the courts, as any property owner would do, but the Government took away jurisdiction from the courts, in virtue of that long out-dated British Mandate *Order-in-Council*. The Government then delegated its jurisdiction to a low-level official whose very first decision for the record was that he was not bound by the rules of evidence! Enquiries by the highest level in the Church as to how such conduct was thought to be compatible with the rights of property owners to due process have remained to this day without answer. Hence the determination that the current negotiations must fundamentally change this situation and secure for the Church, not a privilege, but the same right that any property owner has in a democratic republic ruled by law, such as the State of Israel, to pursue and defend property rights in a court of law. The irony of the present state of affairs is that the Church has this right in respect of its secular properties but not in regard to what it values most of all, its own churches!

Let me conclude this Statement with renewed gratitude for the irreplaceable and uniquely effective role that the United States has in assisting Israel, as only a true friend can, to grow in practical awareness of the full range of requirements of Israel's own founding values and ideals as a democratic republic, following the United States's own leadership and example, particularly as regards religious freedom. On the part of the Catholic Church, the *Fundamental Agreement* itself is seen as a contribution to the development of the Israeli State and society in this same direction. It is an expression and a pledge of a friendly relationship, yet it needs to be given practical effect for its purpose to be properly accomplished. It is still waiting to be written into Israeli law, and a major necessary complement, the "comprehensive agreement" it mandates on tax and property matters is still the subject of protracted negotiations. *The 2005 International Religious Freedom Report*, and the attention you are paying it, reinforce one's hope and trust that these goals are achievable, and will indeed, with your continued interest and support, be achieved.

Thank you.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. I too appreciate the tremendous work that you do, and it is really appreciated by us here as legislators. We really encourage you to keep the pressure on.

I don't know, Mr. Aikman, maybe the translation of your book will get some converts indirectly. I was going to comment before with the Most Reverend Ricardo Ramirez, that he said in Cuba, you know, the Catholic Church still had an opportunity to have services but that there were more agents from the government attending. He didn't look like he was ready for a joke, but I thought maybe they were converting some of the secret police and they were coming to church on their own.

Mr. AIKMAN. If I may just comment on that, Congressman Payne, there was a documentary movie, made by a Chinese Christian, called *The Cross*. It is a 4-hour documentary, which was one of the other items along with my book that was banned in 2003, and this was shown at all of the Religious Affairs Bureau offices in the various provinces of China. And apparently many of the Public Security Bureau and Religious Affairs Bureau officials saw the movie, looked at each other and said, "This is bad?"

Mr. PAYNE. Sometimes there are unintended consequences. The question about the report, Ms. Shea indicated that she thought Saudi Arabia was the one that was least characterized correctly, and of course Mr. Uzzell said that he thought that Turkmenistan was.

I think what Ms. Shea was kind of leaning to is that you hear very little discussion at a cocktail party, or even in a college class, or any question where people in international relations are talking, you hear a little bit about Turkmenistan. However, our longtime relations with Saudi Arabia and the way they are able to get away with what they get away with, I kind of concur with Ms. Shea that we have had former Presidents that are inextricably tied to Saudi people. Prince Bandar served here for over 18 years as the longest-serving diplomat. He is invited to almost every President's big State Department black-tie affairs, regardless of the party, and he has just been brought back with the change in Government in Saudi Arabia.

So the longtime, close, buddy-buddy type of interrelationship between the United States and Saudi Arabia that continues—and we know the reason why—think it is more egregious to look at the report and how Saudi Arabia sort of has been given a wink and a nod.

I think it really gets to the point that Mr. Malinowski brings, and I think that at the end of the day, it is really kind of what much of this is all about: Countries that want to have a relationship with the U.S. and are trying to keep what they want to do but kind of fudge what they are doing, and the United States sort of fudges back, like PRC, Saudi Arabia, even Russia at one point, opposed to those—I was going to say Sudan, but it now it looks like we are trying to get a little more cozy with Sudan. But the countries who don't care how we think—Burma, they don't care.

So I think that your analysis is very important because policy is driven by, necessarily, as we know what happens there, but the relationship with the United States and whether it is business,

whether it is defense, Pakistan, whether it is, you know, like I said, business with PRC, whether it is cooperation with the war on terrorism, where they say Sudan might be giving us information on al-Queda, so let's forget Darfur and kind of normalize relations.

So I do believe that we are going to have a more difficult time where the U.S. feels that it has an interest; who are those countries that we feel are trying to get along, go along to get along, so-to-speak.

Even, finally, on Aung San Suu Kyi, I went to Burma 4 or 5 or 6 years ago, and somehow Tom Campbell and I, the former Congressman from California, were able to get in to see her and we took pictures. We talked. I am sure the place was bugged, but we were able to whisper with each other, and we met with her separate from the Old Guard fellows.

It is just a shame that she still is under house arrest, she still is being denied her rights. She still is not being able to assume the leadership of that government, although she was duly elected. The conditions in Burma are so bad that people leave Burma to go to Thailand where they are making even less than \$2 a day. But it is better than Burma. Can you imagine in Burma they don't even get paid? They may get some food. They work, they have to do roads, they have to work in hard labor, but are paid maybe a bowl of rice. Maybe.

However, on the border with China, they got a big casino where Chinese gamblers come. There is such an unbelievable kind of juxtaposition of vice and things on one hand at the border, and then on the other hand, people going into Thailand with no protection at all, simply to make a dollar or \$2 a day, working 12 and 14 hours a day in these sweatshops.

So sort of, well, Burma doesn't matter much to anybody, it sort of kind of goes away. But, you know, those are just my thoughts. I usually ramble at the end of these kinds of meetings because all of you bring in such good points. If anyone would like to comment on any of the rambling, I would be glad to hear you.

Mr. MALINOWSKI. I will just maybe say one thing. I didn't mean to suggest that countries like Burma are beyond our reach, beyond our influence. I think they are beyond Ambassador John Hanford sitting down with their foreign minister and working out a cooperative deal wherein they agree to make some promises. They are beyond that kind of diplomacy. But we have learned and seen that countries like that can be reached. We have levers of influence and power that we can bring to bear. But that is a much more difficult enterprise than something that just the Religious Freedom Office of the State Department can do. It requires comprehensive strategy at the highest levels of our Government.

Mr. PAYNE. I actually agree with you, and I wasn't trying to say that Burma was not important. I just think there is hypocrisy in the amount of pressure that we intend to put on countries by virtue of where we think we are at, politically or economically. It is very clear we allow things to happen in PRC, and look the other way and come up with excuses. They are making some movement, whatever.

Saudi Arabia, well, you know, they said they might let women drive 20 years from now. Well, women don't drive. Just don't give

me 500 lashes, or 50 lashes every week. How do you live? You know, you stole something and crime is bad, you know, criminals must pay, but not by cutting their head off.

It is unbelievable what continues to go on there. As the Chairman said, the priest that married him couldn't wear his cross or he might be thrown in prison. That is unbelievable. It still goes on.

However, you hear, well, we think we are breaking some new ground and we think we might have some indication of a movement in the future. Gobbledegook. It is a pity. But it is going to change. I am no diplomat. I guess the State Department, they are full of diplomats. They have to be diplomatic. They try to keep our U.S. interests going, because regardless of what Administration is in there, Republican or Democrat, I guess they have to live with the world. But it is really a shame that we do allow these things to exist.

I have no other questions, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Payne.

Would any of you like to say anything before we conclude?

Mr. UZZELL. Just a quick comment on the last comments of Congressman Payne. At the risk of being excommunicated by my fellow human rights advocates, I think we actually have to recognize there are times when you have to balance human rights concerns against other concerns.

You can't let one issue, even my favorite issue that I specialize in, be the sole issue that you think about in foreign policy. That is especially true when you are thinking about sanctions, about concrete measures that you take with countries.

But it seems to me that these reports, this annual publication of the State Department, should be an exercise in truth-telling, and that includes the designation of CPCs. The report is not going to have any credibility unless it calls the shots as they are, tells it like it is, and lets the chips fall where they may. There may be excellent strategic reasons why you can't penalize some dictator concretely, even though he richly deserves it, but we can and should always tell the truth.

Mr. PAYNE. Actually, it seems to me it would be a weapon in the hands of the State Department and the Administration, the people that sit in the White House and sit at the head of the State Department, where their job is different than our job. They make policy, we don't. We either approve it or condemn it and maybe try to modify it.

But it seems to me they did it honestly. They can say these crazy Congresspeople, especially Smith and Payne, you got to change because you don't know what they may do. They may just say, you know, we can't buy your products anymore or we are not going to buy your oil. That is a joke.

But it would give them, it seems, a stick to say you better change. And I am sure that since this legislation is in, I imagine that is whispered. You know, Congress is going to do it to you. So you know where we stand. However, you better do it before they get really angry at you, you know. So I do think that it would be better for them to be honest rather than to fudge it.

Thanks.

Ms. SHEA. I just want to second that, but I would put it, I guess, in a different way, which is this is an opportunity for moral clarity. While there may not be outright falsehoods, it is just that there is a distortion in emphasis in some places in these reports. This is an opportunity for moral clarity.

Thank you very much for holding the hearings.

Mr. SMITH. Let me conclude by saying when we wrote the law, and we did the same thing with the Trafficking in Victims Protection Act of 2000, we left some flexibility with the Administration to try to make whole and come up with some strategies that will lead to a greater recognition of the right we are trying to promote.

You could argue, but perhaps even the trigger of the 180 days that now has been used by the Administration with regards to Saudi Arabia, that does give them some time. But, hopefully, the boom will be lowered substantially if after that 180 days we don't see significant progress. I think that is what our next hearing—other than country-specific hearings, we will have a hearing, on or around the 180 days, on Saudi Arabia.

Thank you so much, all of you. You have been tremendous.

The hearing is adjourned.

[Whereupon, at 2:30 p.m., the Subcommittee was adjourned.]

